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An Act to Incorporate the Dunnville and Smithville  
Junction Railway Company.

**W**HEREAS the construction of a railway, as hereinafter Preamble.  
authorized, is desirable for the public interest and bene-  
fit of the portions of the province of Ontario, through or near  
which the same is intended to pass; and whereas the Honour-  
5 able Richard W. Scott, James Pearson, Donald McDiarmid,  
John Lamport, John Herbert Hyland, Joel D. Strawn, and  
Edward A. C. Pew have petitioned for an Act to incorporate a  
company for the purpose of constructing such railway; and  
whereas it is expedient to grant the prayer of the said petition;  
10 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows: —

1. The said, the Honourable Richard W. Scott, James Pear- Incorporation.  
son, Donald McDiarmid, John Lamport, John Herbert Hyland,  
15 Joel D. Strawn and Edward A. C. Pew, together with such  
other persons and corporations as shall become shareholders of  
the company hereby incorporated, are hereby constituted and  
declared to be a body corporate and politic, by the name of  
"The Dunnville and Smithville Junction Railway Company."

20 2. The said company shall have full power to construct a Gauge and  
location of  
line.  
railway of a gauge of four feet eight and a-half inches, from  
a point in or near the village of Dunnville, to a point in or  
near the village of Smithville, and with full power to pass over  
any portion of the country between the points aforesaid, and to  
25 carry the said railway through the Crown lands, if any, lying  
between the points aforesaid.

3. The said company is hereby authorized and empowered Construction.  
in sections of  
not less than  
ten miles  
authorized.  
to take and make the surveys and levels of the lands through  
which the said railway is to pass, together with the map or  
30 plan thereof, and of its course and direction, and of the lands  
intended to be passed over and taken therefor, so far as then  
ascertained, and also the book of reference for the railway,  
and to deposit the same as required by the clauses of *The Rail-  
way Act of Ontario* and amendments thereto, with respect to  
35 "plans and surveys," by sections or portions less than the length  
of the whole railway authorized, of such length as the said  
company may from time to time see fit, so that no one of such  
sections or portions shall be less than ten miles in length, and  
upon such deposit as aforesaid of the map or plan and book of  
40 reference of any and each of such sections or portions of the  
said railway, all and every of the clauses of the said *Railway  
Act of Ontario* and the amendments thereof applied to, in- Rev. Stat. c.  
170.



cluded in, or incorporated with this Act, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said *Railway Act of Ontario* and the amendments thereof, with respect to "plans and surveys."

Rev. Stat. 170

Power to acquire land for gravel pits, etc.

4. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may acquire and hold land in addition to the roadway from which to obtain such supplies of the same as are required by them for such construction and maintenance, and the same or any part thereof may sell and dispose of when no longer required; and in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, may cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and all the provisions of *The Railway Act of Ontario*, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining such materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

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Sidings to gravel pits.

5. When gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

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Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Power to purchase whole lots in certain cases.

6. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel-pits, or for constructing, maintaining and using the said railway, and in case

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by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Rev. Stat. c. 170.

10 7. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase, and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon elevators, store-  
houses, warehouses, engine-houses, docks, and other erections  
15 for the use of the said company, and the same or portion thereof, in their discretion, to sell or convey, and also to make use for the purposes of the said railway of the water of any stream or water-course, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing  
20 the usefulness of such stream or water-course. Power to take land for building elevators, etc., and to use streams.

8. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of  
25 said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided  
30 always that any such snow fences so erected shall be removed on or before the first day of April next following. Snow fences. Proviso.

9. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the schedule A, hereunder written, or to the like effect, and shall be sufficient conveyance to the said company, their successors  
35 and assigns, and such conveyances may be registered in such manner as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates. Form of conveyances.

40 10. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by *The Act respecting Telegraph Companies*, are hereby conferred upon the company; and the other provisions  
45 of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company. Telegraph lines. Rev. Stat. c. 158.

11. From and after the passing of this Act the said, the Hon. Richard W. Scott, James Pearson, Donald McDiarmid,  
50 John Lampport, John Herbert Hyland, Joel D. Strawn, and Edward A. C. Pew, shall be the provisional directors of the company, and such provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occur-  
Provisional directors and their powers.



ring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land and construction and equipment of the said railway, and with all such other powers as under *The Railway Act of Ontario*, and any other law in force in Ontario, are vested in such boards.

Rev. Stat. c.  
170.

Capital.

Rev. Stat. c.  
170.

**12.** The capital of the said company shall be \$180,000, (with power to increase the same in manner provided by *The Railway Act of Ontario*), to be divided into eighteen hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, city, town, township, or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Power of  
directors to  
to exclude per-  
sons from sub-  
scribing for  
stock.

**13.** The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, or rescind the subscription and return the deposit of any person, if they are of opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Ten per cent.  
to be paid at  
time of sub-  
scription.

**14.** On the subscription of shares of the said capital stock each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the said company.

Calls.

**15.** The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder; and thirty days'



notice of each call shall be given, as provided in *The Railway Act of Ontario*. Rev. Stat. c. 170.

16. The provisional or elected directors may accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and may allow such percentage or discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon may issue to each subscriber scrip to the full amount of such stock subscribed. Power to accept payment of subscriptions in full.

17. The said provisional directors or the elected directors may pay or agree to pay in and issue therefor stock as fully paid up, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling-stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way material, plant, or rolling-stock: Provided that if such promoters or other persons be provisional or elected directors of the company, such payment or agreement shall not be made unless the same be sanctioned by a vote of the shareholders at any general meeting, and any agreement so made shall be binding on the company. Power to make certain payments in stock.  
  
Proviso.

18. As soon as shares to the amount of \$25,000 of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Dominion having an office in the city of Toronto, which on no account shall be withdrawn therefrom unless for the service of the company, the directors shall call a meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said company. First election of directors.

19. In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than \$10,000 of the said capital stock, and who have paid up all calls thereon. Provision in case directors neglect to call meeting.

20. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in each of the villages of Dunnville and Smithville, once in each week for the space of at least four weeks; and such meeting shall be held at such place and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. Notice of meeting.



Annual  
meeting.

21. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the city of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the villages of Dunnville and Smithville respectively. 5

Special  
meetings.

22. Special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company. 10

Votes.

23. Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. 15

Representa-  
tion of stock  
held by  
corporations.

24. At all meetings of the company the stock held by municipal and other corporations, may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy. 20

Qualification  
of directors.

25. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon. 25

Rights of  
aliens.

26. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in the Province or elsewhere, shall be entitled to vote on the shares equally with British subjects, and aliens shall be eligible to office as directors of the said company. 30

Company may  
appoint agents  
in England  
and in New  
York.

27. The directors of the company may, subject to the rules and regulations from time to time to be made by the directors respecting the same, appoint an agent in the city of London, England, and also an agent in the city of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London or New York offices in the names of the transferees, in the same manner as shares may be transferred in the former office and *vice versa*, and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London or at the New York office, and scrip certificates may be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and 35 40 45

thereupon the same shall be binding on the company as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in the Province.

- 5   **28.** Wherever any transfer shall be made, in England or the United States, of any share of stock of the company the delivery of the transfer of stock and scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the  
 10 transferee a shareholder or stockholder in the company, in respect to the shares of stock so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the  
 15 directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the register of transfer for the purpose of dividends as they  
 20 may find expedient; and all such regulations, not being inconsistent with the provisions of this Act and of *The Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding.

Transfers in  
England or  
United States,  
how made.

Rev. Stat. c.  
170.

- 25   **29.** At all meetings of the board of directors four shall form a quorum for the transaction of business, and the said board may employ one of their number as paid director.

Quorum of  
directors and  
appointment  
of a paid  
director.

- 30   **30.** Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number.

Delegation of  
power by  
directors.

- 35   **31.** The directors of the said company may enter into a contract or contracts with any individual, or association of individuals, for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor, either in cash or bonds, or in paid-up stock, or otherwise, as may be deemed expedient, notwithstanding that one or more of such contractors may be shareholders or directors in the company: Provided that no such  
 40 contract in which a shareholder or director of the company shall be a contractor, shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Power to  
contract for  
construction  
and equipment  
of line.

Proviso.

- 50   **32.** The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid to  
company.



Grants of land  
from municipalities,  
etc.,  
authorized.

**33.** Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. 5

Exemption  
from taxation.

**34.** The corporation of any municipality through any part of which the railway of the said company passes or is situated, may, by by-law specially passed for that purpose, exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or may agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. 10 15 20

Municipalities  
may authorize  
the company  
to make their  
road on their  
ways.

**35.** Any municipality through which the said railway passes, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. 25 30

Issue of bonds.

**36.** The directors of the said company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of raising money for prosecuting the said undertaking, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, and such bonds and debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, and the rolling stock and equipments of the company then existing, and at any time thereafter acquired, and upon the franchises of the company, and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds and debenture stock shall not exceed in all the sum of \$360,000; and provided that in the event at any time of the interest upon the said bonds and debenture 35 40 45 50 55

Proviso.

Proviso.

stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds and debenture stock shall have and possess the same rights and privileges and qualifications for directors, and for  
 5 voting, as are attached to shareholders: Provided that the bonds shall have been first registered, and the debenture stock, and any transfers thereof, shall have been registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register  
 10 the same on being required to do so by any holder thereof, and that notwithstanding that any such bonds may have been already registered by a former holder thereof.

**37.** Any such bonds, and the coupons thereof, may be made payable to bearer and transferable by delivery, and any holder  
 15 of any such securities so made payable to bearer, may sue at law thereon in his own name; such bonds and debenture stock are hereby declared to be personal property.

**38.** The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage  
 20 or pledge any bonds or debenture stock which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

**39.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, for  
 25 sums not less than one hundred dollars, and any such note or bill made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note  
 30 or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary, be in-  
 35 dividually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors as herein enacted: Provided, however, that nothing in this section shall be construed to  
 40 authorize the said company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

**40.** Any debenture stock authorized under this Act which from time to time shall be created, shall be entered by the  
 45 company in a register, to be kept for that purpose at their office in Toronto, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to either of such debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the  
 50 same purpose in Great Britain.

**41.** The company shall deliver to every holder a certificate stating the amount of debenture stock held by him, as the case may be, and all regulations or provisions for the time being applicable to certificates of ordinary shares of the capital

Proviso.

of the company, and transfer of such shares, shall apply *mutatis mutandis* to certificates and transfers of the debenture stock, subject to the provisions of this Act: Provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof. 5

Company may appoint an agent in England for certain purposes.

**42.** The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the city of London, England, with power to pay dividends, to open and keep books of transfer and registers for the shares of the capital stock of the company, and also keep books of transfer and registers for the debenture stock of the company, and for the issue of scrip and stock certificates, and thereupon the registry of any shares of debenture stock may be transferred from the office of the said company in Toronto to the London office, and there registered in the name of the holder, and transfers of such shares and debenture stock then be made in the same manner as shares and debenture stock may be transferred in the former office, and such shares or any of them or debenture stock may be re-transferred to the office in Toronto, and the agent or agents or other officer or officers in London shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in Toronto, who shall thereupon make the requisite entries respecting such transfer, transfers and scrip certificate and certificates in the registers kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders and debenture stockholders, as though the scrip certificates had been issued by the secretary of the company in Toronto. 10 15 20 25 30

Debenture stock not transferable in less amounts than £100 sterling.  
Power to make regulations for transfer, etc. of stock.

**43.** The said debenture stock shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling. 35

Rev. Stat. c. 170.

**44.** The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock and debenture stock, and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations, not being consistent with this Act, and with *The Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding. 40 45

Company empowered to issue debentures stock and bonds.

**45.** The said company shall have all the powers necessary for the issue of the said debenture stock or terminable bonds authorized by this Act, and for carrying out of the objects of this Act in respect thereof.

Debenture stock to be personal property.

**46.** The said debenture stock, bonds, and all other debenture stock issued or to be issued by the said railway company shall be deemed to be and are hereby declared to be personal estate. 50



47. The said company shall have the right to sell such debenture stock and bonds at such prices as they may deem expedient, and shall also have the right to mortgage, pledge and hypothecate the same for any advance made to the company.  
Power as to sale and mortgage of debenture stock and bonds.

48. The money to be realized from the sale of or raised by mortgaging, pledging or hypothecating the said debenture stock and bonds shall be applied towards the cost of constructing and equipping the said railway, and for such other purposes as the directors may deem expedient.  
Application of proceeds.

49. The said company shall have power to build, purchase or charter, and to manage, work and navigate, in connection with their railway, steam vessels, sailing vessels and barges, and also to sell and dispose of the same from time to time when deemed expedient, free from any lien thereon under any bond or debenture stock of the company, and also to enter into arrangements or agreements with owners or managers of steam vessels, sailing vessels or barges, from time to time, for the working, management and navigation of any such vessels in connection with their railway, and may agree upon such tolls and rates of freight for or in respect of traffic carried over their railway, received from or delivered to or forwarded by or carried in connection with steam vessels, sailing vessels or barges, as the directors shall from time to time think proper.  
Power to build, etc., and dispose of vessels.

50. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.  
Power to collect back charges.

51. The said railway shall be commenced within three years and completed within five years after the passing of this Act; and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.  
Commencement and completion.

## SCHEDULE A.

*(Section 9.)*

Know all men by these presents that I (or we) [*insert the names of the vendors*] in consideration of dollars paid to me (or us) by the Dunnville and Smithville Junction Railway company, do grant and convey (or lease) unto the said company all that (or those) certain parcel or tract of land situate [*insert description of property*], the same having been selected by the said company for the purposes of their railway, to hold the same unto the said the Dunnville and Smithville Junction Railway Company, their successors and assigns, and to their use forever (or as the case may be) [*here insert any other clauses, covenants or conditions required*], and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }  
in presence of }

[L.S.]





No. 1.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to incorporate the Dunnville and  
Smithville Junction Railway.

First Reading,

1890.

(Private Bill.)

Mr. HARCOURT.

TORONTO :

PRINTED BY WARWICK & SONS 68 AND 70 FRONT ST. W.

**An Act to Incorporate the Dunnville and Smithville  
Junction Railway Company.**

**W**HEREAS the construction of a railway, as hereinafter Preamble.  
authorized, is desirable for the public interest and benefit of the portions of the province of Ontario, through or near which the same is intended to pass; and whereas the Honourable Richard W. Scott, James Pearson, Donald McDiarmid, John Lamport, John Herbert Hyland, Joel D. Strawn, and Edward A. C. Pew have petitioned for an Act to incorporate a company for the purpose of constructing such railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: —

**1.** The said, the Honourable Richard W. Scott, James Pearson, Donald McDiarmid, John Lamport, John Herbert Hyland, Joel D. Strawn and Edward A. C. Pew, together with such other persons and corporations as shall become shareholders of the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Dunnville and Smithville Junction Railway Company." Incorporation.

**2.** The said company shall have full power to construct a railway of a gauge of four feet eight and one-half inches, from a point in or near the village of Dunnville, to a point in or near the village of Smithville. Gauge and location of line.

**3.** The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act of Ontario* and the amendments thereof applied to, included in, or incorporated with this Act, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway Construction. in sections of not less than ten miles authorized.  
Rev. Stat. c. 170.  
Rev. Stat. c. 170.



as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said *Railway Act of Ontario* and the amendments thereof, with respect to "plans and surveys."

Rev. Stat. 170

Power to  
acquire land  
for gravel pits,  
etc.

4. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may acquire and hold land in addition to the roadway from which to obtain such supplies of the same as are required by them for such construction and maintenance, and the same or any part thereof may sell and dispose of when no longer required; and in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, may cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario and of this Act*, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining such materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c.  
170.

Sidings to  
gravel pits.

5. When said gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario and of this Act*, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

Rev. Stat. c.  
170.

Rev. Stat. c.  
170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Power to pur-  
chase whole  
lots in certain  
cases.

6. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel-pits, or for constructing, maintaining and using the said railway, and in case

by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way there-to, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Rail-way Act of Ontario* shall not apply to this section. Rev. Stat. c. 170.

7. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon elevators, store-houses, warehouses, engine-houses, docks, and other erections for the use of the said company, and the same or portion there-of, in their discretion, to sell or convey, and also to make use for the purposes of the said railway of the water of any stream or water-course, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course. Power to take land for building elevators, etc., and to use streams.

8. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following. Snow fences. Proviso.

9. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the schedule A, hereunder written, or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. Form of conveyances.

10. For the purpose of constructing, working and protecting the telegraph and telephone lines to be constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by *The Act respecting Telegraph Companies*, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph and telephone lines shall apply to any such telegraph and telephone lines constructed by the company. Telegraph lines. Rev. Stat. c. 158.

11. From and after the passing of this Act the said, the Hon. Richard W. Scott, James Pearson, Donald McDiarmid, John Lamport, John Herbert Hyland, Joel D. Strawn, and Edward A. C. Pew, shall be the provisional directors of the Provisional directors and their powers.

company, and such provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land and construction, and equipment of the said railway, and with all such other powers as under *The Railway Act of Ontario*, and any other law in force in Ontario, are vested in such boards.

Rev. Stat. c.  
170.

Capital.

Rev. Stat. c.  
170.

**12.** The capital stock of the said company shall be \$180,000, (with power to increase the same in manner provided by *The Railway Act of Ontario*), to be divided into eighteen hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days previous notice shall have been given and passed by a majority of the said municipal corporation authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Power of  
directors to  
to exclude per-  
sons from sub-  
scribing for  
stock.

**13.** The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, or rescind the subscription and return the deposit of any person, if they are of opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Ten per cent.  
to be paid at  
time of sub-  
scription.

**14.** On the subscription of shares of the said capital stock each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall according to and in conformity with the provisions of section 18 of this Act, deposit the same in some chartered bank of the Do-



minion having an office in the Province of Ontario to the credit of the said company.

**15.** The directors for the time being may from time to time Calls. make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder; and thirty days' notice of each call shall be given, as provided in *section 21 of* Rev. Stat. c. 170. *this Act.*

**16.** The provisional or elected directors may accept payment Power to accept payment of subscriptions in full. in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and may allow such percentage or discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon may issue to each subscriber scrip to the full amount of such stock subscribed.

**17.** The said provisional directors or the elected directors may pay or agree to pay in and issue therefor stock as fully paid up, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling-stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way material, plant, or rolling-stock: Power to make certain payments in stock. Provided that if such promoters or other persons be provisional or elected directors of the company, such payment or agreement shall not be made unless the same be sanctioned by a vote of the shareholders at any general meeting, and any agreement so made shall be binding on the company. Proviso.


**18.** As soon as shares to the amount of \$50,000 of the capital stock of the said company shall have been subscribed, and ten per centum *paid thereon* into some chartered bank of the Dominion having an office in the *Province of Ontario, to the credit of the company and* which on no account shall be withdrawn therefrom unless for the services of the company, the *provisional* directors shall call a meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum *upon the amounts subscribed by them*, for the purpose of electing directors to the said company. First election of directors.

**19.** In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than \$10,000 of the said capital stock, and who have paid up all calls thereon. Provision in case directors neglect to call meeting.



**20.** In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in each of the villages of Dunnville and Smithville, once in each week for the space of at least four weeks; and such meeting shall be held at such place and on such day as may be named by such notice. Notice of meeting. At

such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

**Annual meeting.**

**21.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the city of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the villages of Dunnville and Smithville respectively, ~~and~~ during the four weeks preceding the week on which such meeting is to be held. 

**Special meetings.**

**22.** Special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company,  upon such notice as is provided by the last preceding section. 

**Votes.**

**23.** Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

**Representation of stock held by corporations.**

**24.** At all meetings of the company the stock held by municipal and other corporations, may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy.

**Qualification of directors.**

**25.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

**Rights of aliens.**

**26.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in the Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and aliens shall be eligible to office as directors of the said company.

**Company may appoint agents in England and in New York.**

**27.** The directors of the company may, subject to the rules and regulations from time to time to be made by the directors respecting the same, appoint an agent in the city of London, England, and also an agent in the city of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London or New York offices in the names of the transferees, in the same



manner as shares may be transferred in the former office and *vice versa*, and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London or at the New York office, and scrip certificates may be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in the Province.

28. Wherever any transfer shall be made, in England or the United States, of any share of stock of the company the delivery of the transfer of stock and scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company, in respect to the shares of stock so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the register of transfer for the purpose of dividends as they may find expedient; and all such regulations, not being inconsistent with the provisions of this Act and of *The Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding.

Transfers in  
England or  
United States,  
how made.

Rev. Stat. c.  
170.

29. At all meetings of the board of directors four shall form a quorum for the transaction of business, and the said board may employ one of their number as paid director.

Quorum of  
directors and  
appointment  
of a paid  
director.

30. The directors of the said company may enter into a contract or contracts with any individual, or association of individuals, for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor, either in cash or bonds, or in paid-up stock, or otherwise, as may be deemed expedient: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Power to  
contract for  
construction  
and equipment  
of line.

Proviso.

31. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid to  
company.

Grants of land  
from municip-  
alities, etc.,  
authorized.

**32.** Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway: and the said railway company shall have power to accept gifts of land from any Government, or any person, or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Exemption  
from taxation.

**33.** The corporation of any municipality through any part of which the railway of the said company passes or is situated, may, by by-law specially passed for that purpose, exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or may agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Municipalities  
may authorize  
the company  
to make their  
road on high  
ways.

**34.** Any municipality through which the said railway passes, *and having jurisdiction in the premises*, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession of or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Issue of bonds.

**35.** The directors of the said company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of raising money for prosecuting the said undertaking, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, and such bonds and debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, and the rolling stock and equipments of the company then existing, and at any time thereafter acquired, and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds and debenture stock shall not exceed in all the sum of \$360,000; and provided that in the event at any time of the interest upon the said bonds and debenture stock

Proviso.

Proviso.



stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds and debenture stock shall have and possess the same rights and privileges and qualifications for directors, and for voting, as are attached to shareholders: Provided that the bonds shall have been first registered, and the debenture stock, and any transfers thereof, shall have been registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof, and that notwithstanding that any such bonds may have been already registered by a former holder thereof.

Proviso.

**36.** Any such bonds, and the coupons thereof, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name; such bonds and debenture stock are hereby declared to be personal property.

Bonds, etc., to be personal property, and transferable by delivery.

**37.** The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Power to mortgage bonds.

**38.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such *promissory* note or bill of exchange made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors as herein enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any *promissory note or bill of exchange* payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Power to become parties to promissory notes, etc.

Proviso.

**39.** Any debenture stock authorized under this Act which from time to time shall be created, shall be entered by the company in a register, to be kept for that purpose at their office in Toronto, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to either of such debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the same purpose in Great Britain.

Registration of debenture stock.

**40.** The company shall deliver to every holder a certificate stating the amount of debenture stock held by him, as the case may be, and all regulations or provisions for the time being applicable to certificates of ordinary shares of the capital

Certificates to be given to holders of debenture stock.

Proviso.

of the company, and transfer of such shares, shall apply *mutatis mutandis* to certificates and transfers of the debenture stock, subject to the provisions of this Act: Provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

Company may appoint an agent in England for certain purposes.

**41.** The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the city of London, England, with power to pay dividends, to open and keep books of transfer and registers for the shares of the capital stock of the company, and also keep books of transfer and registers for the debenture stock of the company, and for the issue of scrip and stock certificates, and thereupon the registry of any shares of debenture stock may be transferred from the office of the said company in Toronto to the London office, and there registered in the name of the holder, and transfers of such shares and debenture stock may then be made in the same manner as shares and debenture stock may be transferred in the former office, and such shares or any of them or debenture stock may be re-transferred to the office in Toronto, and the agent or agents or other officer or officers in London shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in Toronto, who shall thereupon make the requisite entries respecting such transfer, transfers and scrip certificate and certificates in the registers kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders and debenture stockholders, as though the scrip certificates had been issued by the secretary of the company in Toronto.

Debenture stock not transferable in less amounts than £100 sterling.  
Power to make regulations for transfer, etc of stock.

**42.** The said debenture stock shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling.

Rev. Stat. c. 170.

**43.** The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock and debenture stock, and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations, not being consistent with this Act, and with *The Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding.

Company empowered to issue debentures stock and bonds.

**44.** The said company shall have all the powers necessary for the issue of the said debenture stock or terminable bonds authorized by this Act, and for carrying out of the objects of this Act in respect thereof.

Debenture stock to be personal property.



**45.** The said debenture stock, bonds, and all other debenture stock issued or to be issued by the said railway company shall be deemed to be and are hereby declared to be personal estate.

46. The said company shall have the right to sell such debenture stock and bonds at such prices as they may deem expedient, and shall also have the right to mortgage, pledge and hypothecate the same for any advance made to the company. Power as to sale and mortgage of debenture stock and bonds

47. The money to be realized from the sale of or raised by mortgaging, pledging or hypothecating the said debenture stock and bonds shall be applied towards the cost of constructing and equipping the said railway, and for such other purposes as the directors may deem expedient. Application of proceeds.

48. The said company shall have power to build, purchase or charter, and to manage, work and navigate, in connection with their railway, steam vessels, sailing vessels and barges, and also to sell and dispose of the same from time to time when deemed expedient, free from any lien thereon under any bond or debenture stock of the company, and also to enter into arrangements or agreements with owners or managers of steam vessels, sailing vessels or barges, from time to time, for the working, management and navigation of any such vessels in connection with their railway, and may agree upon such tolls and rates of freight for or in respect of traffic carried over their railway, received from or delivered to or forwarded by or carried in connection with steam vessels, sailing vessels or barges, as the directors shall from time to time think proper. Power to build, etc., and dispose of vessels.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Power to collect back charges.

 50. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.  Railway Act incorporated.

51. The said railway shall be commenced within three years and completed within five years after the passing of this Act; and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. Commencement and completion.





## SCHEDULE A.

(Section 9.)

Know all men by these presents that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of dollars paid to me (or us) by the Dunnville and Smithville Junction Railway company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) *insert the name or names of any other party or parties* in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*), of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said the Dunnville and Smithville Junction Railway Company, their successors and assigns, [*here insert any other clauses, conditions and covenants required*], and I (or we) wife (or wives) of the said do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this day of 18

Signed, sealed and delivered }  
in presence of }

[L.S.]



No. 1.

4th Session, 6th Legislature 53 Vic., 1890.

BILL.

An Act to incorporate the Dunnville and  
Smithville Junction Railway.

First Reading, 21st February, 1890.

*(Reprinted as amended by Railway  
Committee.)*

(Private Bill.)

MR. HARTNET.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act respecting By-Law No. 77, of the Township of  
Rat Portage.

**W**HEREAS the corporation of the municipality of the township of Rat Portage have petitioned, praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the nineteenth day of October, A.D., 1889, entitled "By-law number 77, to authorize an assessment for township, school and other purposes for the municipality of the township of Rat Portage for the current municipal year one thousand eight hundred and eighty nine," a copy of which said by-law is contained in the schedule to this Act; and whereas the said corporation of the said municipality of the township of Rat Portage, by their petition have represented that it is necessary and expedient, and of advantage to the said municipality, as well as just and right that the said by-law, number 77, should be ratified, legalised, and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law number 77 of the corporation of the municipality of the township of Rat Portage, entitled as in the preamble to this Act recited, and which said by-law is set out in the schedule to this Act is hereby confirmed and declared to be legal and valid to all intents and purposes, and the said corporation of the township of Rat Portage are hereby authorized and empowered to collect and enforce the payment of the taxes under said by-law, number 77, for the purposes therein mentioned, and the said by-law shall be and the same is hereby declared to be valid, legal, and binding upon the said corporation of the municipality of the township of Rat Portage and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

SCHEDULE.

BY-LAW No. 77.

*A by-law to authorise an assessment for township, school and other purposes for the municipality of the township of Rat Portage, for the current municipal year of our Lord one thousand eight hundred and eighty-nine.*

Whereas it is necessary and expedient to raise the sum of four thousand eight hundred and eighty seven dollars for the

municipality of the township of Rat Portage for the current year of our Lord one thousand eight hundred and eighty nine, by a tax on all the real and personal property appearing on the assessment roll of the municipality of the township of Rat Portage for the year of our Lord one thousand eight hundred and eighty nine.

And whereas the whole amount of the ratable property of the municipality of the township of Rat Portage, as shown by the last revised assessment roll, is three hundred and twenty three thousand seven hundred and twenty five dollars (\$323,725.)

And whereas by 50 Victoria, chapter 62, of the Legislature of the Province of Ontario, entitled *An Act relating to the municipality of Rat Portage*.

And whereas by section one of said Act, it is provided that the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, and Messrs. F. T. Bulmer and Company, are exempt to the extent of one-half of the amount of taxes assessed upon and leviable against the said property, but exclusive of the taxes for the school purposes.

And whereas by section one of said Act it is also provided that the said Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, and Messrs. F. T. Bulmer and Company should pay one-half of the debenture debt existing at the time of passing the said Act, and which one-half of the debenture debt should be assessed upon and leviable against their said property.

And whereas by by-law number 51 of the said municipality entitled "A by-law to provide for the remission of one-half of the municipal rates of the Rainy Lake Lumber Mills."

And whereas by section one of said by-law it was provided that the said Rainy Lake Lumber Mills be allowed one-half of the amount of the taxes assessed upon and leviable against the mill building and machinery and plant belonging to the said Rainy Lumber Mills for nine years, from the year of our Lord one thousand eight hundred and eighty seven, on the express condition that the said Rainy Lake Lumber Mills will operate the said mills for four months during each year under said by-law.

And whereas by said by-law it was provided that the said Rainy Lake Lumber Mills should pay all rates upon debentures issued and which may be issued by the said municipality, and shall pay all taxes for school purposes.

And whereas the sum of thirty five thousand seven hundred and fifty dollars (\$35,750) require to be deducted from the last revised assessment roll of three hundred and twenty three thousand seven hundred and twenty five dollars, leaving the sum of two hundred and eighty seven thousand nine hundred and twenty five dollars to be assessed for municipal purposes.

And whereas upon the said sum of two hundred and eighty seven thousand nine hundred and twenty five dollars, it will require a tax of sixteen and nine-tenth mills on the dollar on the amount of said ratable property, to raise the amount so required for the purposes of the said municipality of the township of Rat Portage to meet the ordinary current municipal expenses for the year of our Lord one thousand eight hundred and eighty nine.

And whereas the public school board section number 1, of the said municipality of the said township of Rat Portage,

require the sum of two thousand three hundred and ninety dollars (\$2,390) for public school purposes for the year of our Lord one thousand eight hundred and eighty-nine.

And whereas the amount rated on the assessment roll of the municipality of the township of Rat Portage for public school support is two hundred and seventy eight thousand one hundred and seventy five dollars (\$278,175).

And whereas to raise the sum of two thousand three hundred and ninety dollars, the rate on the portion of the said ratable property of the municipality of the township of Rat Portage for public school purposes will require eight and six-tenth mills on the dollar.

And whereas the separate school board, section number 1 of the municipality of the township of Rat Portage, require the sum of five hundred and fifty dollars for separate school purposes, for the year of our Lord one thousand eight hundred and eighty-nine.

And whereas the amount rated on the assessment roll of the municipality of the said township of Rat Portage for separate school support is forty five thousand five hundred and fifty dollars (\$45,550).

And whereas to raise the said sum of five hundred and fifty dollars, the rate on the said sum of forty five thousand five hundred and fifty dollars will require twelve and two-tenth mills on the dollar.

And whereas by by-law number 25 of the said municipality, entitled, a by-law to raise three thousand five hundred dollars by debentures for local improvements and for the construction of water tanks.

And whereas by said by-law it is provided that the sum of four hundred and ninety six dollars shall be raised, levied, and assessable against all the real and personal property of the said municipality for a period of ten years, to repay the said sum of three thousand five hundred dollars and interest thereon.

And whereas said by-law, number 25, duly received the assent of the duly qualified ratepayers, as required by law, on the twenty-seventh, and passed and adopted by the municipal council of the municipality of the township of Rat Portage, on the twenty-ninth both days of June, in the year of our Lord one thousand eight hundred and eighty-five.

And whereas the sum of twenty-three thousand two hundred and fifty dollars require to be deducted from the last revised assessment roll of three hundred and twenty-three thousand seven hundred and twenty-five dollars, being one-half of the assessment of the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, and Messrs. F. T. Bulmer and Company, leaving the sum of three hundred thousand four hundred and seventy-five dollars to be assessed for said sum of four hundred and ninety-six dollars, under said by-law number 25.

And whereas upon the said sum of three hundred thousand four hundred and seventy-five dollars, it will require a tax of one and seventh-tenth mills on the dollar on the amount of said ratable property to raise the amount so required under and in terms of said by-law number 25.

And whereas by by-law number 41, of the said municipality, entitled a by-law to provide a steam fire engine for the township of Rat Portage, and to borrow on the credit of the



municipality the sum of four thousand eight hundred dollars for the purchase of the same.

And whereas by said by-law number 41, it is provided that the sum of four hundred and ninety-four dollars and fifty cents shall be raised and levied against all the real and personal property of the said municipality for a period of fifteen years to repay the said sum of four thousand eight hundred dollars and interest thereon.

And whereas said by-law number 41, duly received the assent of the duly qualified ratepayers, as required by law, on the fourteenth, and passed and adopted by the municipal council of the municipality of the township of Rat Portage, on the nineteenth both days of September, in the year of our Lord one thousand eight hundred and eighty-seven.

And whereas the sum of sixty thousand eight hundred dollars require to be deducted from the last revised assessment roll of three hundred and twenty-three thousand seven hundred and twenty-five dollars, being the amount of the assessment of the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, and Messrs. F. T. Bulmer and Company, and Norman ratepayers, being the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars to be assessed for said sum of four hundred and ninety-four dollars and forty cents under said by-law number 41.

And whereas upon the said sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, it will require a tax of one and nine-tenth mills on the dollar on the amount of said ratable property to raise the amount so required, under and in terms of by-law number 41.

And whereas by by-law number 45, of the said municipality entitled a by-law to provide for the erection and building of a fire hall and council chamber for the municipality of the township of Rat Portage, and to borrow on the credit of the municipality, the sum of three thousand dollars for the erection and building of the same.

And whereas by said by-law number 45, it is provided that the sum of three hundred and nine dollars and ten cents shall be raised and levied against the real and personal property of the said municipality for a period of fifteen years to repay the said sum of three thousand dollars and interest thereon.

And whereas said by-law number 45, duly received the assent of the qualified ratepayers, as required by law and also passed and adopted by the municipal council of the municipality of the township of Rat Portage on the fifth day of October, in the year of our Lord one thousand eight hundred and eighty-seven.

And whereas the sum of sixty thousand eight hundred dollars require to be deducted from the last revised assessment roll of three hundred and twenty-three thousand seven hundred and twenty-five dollars, being the amount of the assessment of the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, Messrs. F. T. Bulmer and Company, and Norman ratepayers, leaving the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, to be assessed for said sum of three hundred and nine dollars and ten cents under said by-law number 45.

And whereas upon the said sum of two hundred and sixty-

two thousand nine hundred and twenty-five dollars, it will require a tax of one and two-tenth mills on the dollar on the amount of said ratable property, to raise the amount so required, under and in terms of by-law number 45.

And whereas by by-law number 66 of the said municipality, entitled a by-law to grant a bonus of ten thousand dollars to establish reduction works for reducing gold and silver ore, and for other purposes, east of the Winnipeg river in the municipality of the township of Rat Portage, and to borrow on the credit of the said municipality the said sum of ten thousand dollars therefor.

And whereas by said by-law number 66, it is provided that the sum of eight hundred and seventy-two dollars shall be raised and levied against the real and personal property of the said municipality for a period of twenty years to repay the said sum of ten thousand dollars and interest thereon.

And whereas said by-law number 66, duly received the assent of the qualified ratepayers, as required by law, on the tenth day of January, and also passed and adopted by the municipal council of the municipality of the township of Rat Portage on the nineteenth day of February, both in the year of our Lord one thousand eight hundred and eighty-nine.

And whereas the said sum of sixty thousand eight hundred dollars required to be deducted from the last revised assessment roll of three hundred and twenty-three thousand seven hundred and twenty-five dollars, being the amount of the assessment of the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, Messrs. F. T. Bulmer and Company, and Norman ratepayers, leaving the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars to be assessed for said sum of eight hundred and seventy-two dollars under said by-law number 66.

And whereas upon the said sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, it will require a tax of three and three-tenth mills on the dollar on the amount of said ratable property to raise the amount so required, under and in terms of by-law number 66.

And whereas by by-law number 67, of the said municipality, entitled a by-law to grant a bonus of fifteen thousand dollars to Messrs. Ross, Hall, and Brown, to build a saw mill and planing mill east of the Winnipeg river, within the municipality of the township of Rat Portage, and to borrow on the credit of the said municipality the said sum of fifteen thousand dollars therefor.

And whereas by said by-law number 67, it is provided that the sum of thirteen hundred and eight dollars shall be raised and levied against the real and personal property of the said municipality for a period of twenty years to repay the said sum of fifteen thousand dollars with interest thereon.

And whereas said by-law number 67, duly received the assent of the qualified ratepayers, as required by law, on the tenth day of January and also passed and adopted by the municipal council of the municipality of the township of Rat Portage, on the nineteenth day of February, in the year of our Lord one thousand eight hundred and eighty-nine.

And whereas the said sum of sixty thousand eight hundred dollars require to be deducted from the last revised assessment roll of three hundred and twenty-three thousand seven hundred and twenty-five dollars being the amount of the assessment

of the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, Messrs. F. T. Bulmer and Company, and Norman ratepayers, leaving the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars to be raised for said sum of thirteen hundred eight dollars, under said by-law number 67.

And whereas upon the said sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars it will require a tax of five mills on the dollar on the amount of said ratable property, to raise the amount so required under and in terms of by-law number 67.

And whereas by by-law number 74 of the said municipality, entitled a by-law to raise the sum of five thousand dollars on the credit of the municipality of the township of Rat Portage, to purchase a new school site and to build a school house for the use of the municipality of the township of Rat Portage, and to issue debentures therefor.

And whereas by said by-law number 74, it is provided that the sum of four hundred and thirty-six dollars shall be raised and levied against all the real and personal property of the public school supporters of the said municipality for a period of twenty years, to repay the said sum of five thousand dollars and interest thereon.

And whereas the amount of the whole ratable property of the said municipality, according to the last revised assessment roll, is three hundred and twenty-three thousand seven hundred and twenty-five dollars, of which amount about two hundred and seventy-eight thousand one hundred and seventy-five dollars require to be assessed for public school purposes.

And whereas upon the said sum of two hundred and seventy-eight thousand one hundred and seventy-five dollars, it will require a tax of one and six-tenth mills on the dollar on the amount of said ratable property, to raise the sum so required under and in terms of by-law number 74.

Therefore the municipal council of the corporation of the municipality of the township of Rat Portage, in council assembled, enact as follows:—

1. That there shall be raised, levied and collected a tax of sixteen and nine-tenth mills on the dollar upon the assessed value of the real and personal property in the municipality of the township of Rat Portage, according to the last revised assessment roll of the year of our Lord, one thousand eight hundred and eighty-nine, for the uses and purposes of the said municipality during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

2. That there shall also be raised, levied and collected a tax of eight and six-tenth mills on the dollar upon the sum of two hundred and seventy-eight thousand one hundred and seventy-five dollars assessed for public school purposes in the municipality of the township of Rat Portage, according to the last revised assessment roll, for the uses and purposes of the said public schools during the current municipal year of our Lord one thousand eight hundred and eighty nine.

3. That there shall also be raised, levied and collected a tax of twelve and two-tenth mills on the dollar upon the sum of forty-five thousand five hundred and fifty dollars, assessed for separate school purposes, according to the last revised assessment roll, for the uses and purposes of the said separate



schools during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

4. That there shall also be raised, levied and collected a tax of one and seven-tenth mills on the dollar on the sum of three hundred thousand four hundred and seventy-five dollars assessed under and in terms of by-law number 25 of the said municipality of the township of Rat Portage, for the uses and purposes of said by-law number 25, during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

5. That there shall also be raised, levied and collected a tax of one and nine-tenth mills on the dollar on the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, assessed under and in terms of by-law number 41 of the said municipality of the township of Rat Portage, for the uses and purposes of said by-law number 41, during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

6. That there shall also be raised, levied and collected a tax of one and two-tenth mills on the dollar on the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, assessed under and in terms of by-law number 45 of the said municipality of the township of Rat Portage, for the uses and purposes of said by-law number 45, during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

7. That there shall also be raised, levied and collected a tax of three and three-tenth mills on the dollar on the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, assessed under and in terms of by-law number 66 of the municipality of the township of Rat Portage, for the uses and purposes of said by-law number 66, during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

8. That there shall also be raised, levied and collected a tax of five mills on the dollar on the sum of two hundred and sixty-two thousand nine hundred and twenty-five dollars, assessed under and in terms of by-law number 67 of the municipality of the township of Rat Portage, for the uses and purposes of said by-law number 67, during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

9. That there shall also be raised, levied and collected a tax of one and six-tenth mills on the dollar on the sum of two hundred and seventy eight thousand one hundred and seventy-five dollars, assessed under and in terms of by-law number 74 of the municipality of the township of Rat Portage, for the uses and purposes of said by-law number 74, against the real and personal property of the public school supporters in the municipality of the township of Rat Portage during the current municipal year of our Lord one thousand eight hundred and eighty-nine.

10. That this by-law shall become law and be in force on the final passing hereof.

Done and passed in open council, this nineteenth day of October, A.D. 1889.

(Signed) WM. YOUNG,  
*Reeve.*

(Signed) JOHN KERR BRYDEN,  
*Township Clerk.*

{ CORPORATE }  
SEAL.

No. 2.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting By-law No. 77 of the  
Township of Rat Portage.

First Reading	1890.
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(Private Bill.)

Mr. CONNELL.

TORONTO :

PRINTED BY WALKER & SONS, 68 & 70 FRONT ST. WEST.

## An Act respecting the City of Belleville.

WHEREAS the debenture debt of the corporation of the city of Belleville at the time of the passing of an Act of the Legislature of the Province of Ontario passed in the 40th year of Her Majesty's reign, chaptered 33, amounted to the sum of \$266,997, a part of which has since that time been paid, but other debentures of the said corporation have since been issued and disposed of, leaving the present debenture debt of the said corporation amounting to \$408,000; and whereas no action was taken under the aforesaid Act towards consolidating the said debt, and the said corporation by their petition have prayed that the said Act above recited be so amended as to enable them to consolidate the said debenture debt by the issue of debentures payable in this Province, Great Britain, or elsewhere, and for any period not exceeding forty years, and to make such further and other provisions for the proper carrying out of the said Act, and enabling them to efficiently consolidate the said debt; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 10 of the Act passed in the 40th year of Her Majesty's reign, chaptered 33, and intituled "*An Act for the incorporation of the town of Belleville as a city and for the consolidation of the debt thereof*," is hereby amended by adding thereto the following as sections 10a, 10b, 10c, 10d, 10e, 10f, and 10g.

10a. The corporation of the said city may for the purpose in section 10 hereinbefore mentioned, raise money by way of a loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient for the purposes aforesaid.

10b. The said debentures shall be payable in not more than forty years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly in the places mentioned therein and in the coupons attached thereto; and such debentures may bear interest at any rate not exceeding five per cent. per annum, and such debentures may be known as the "Consolidated Debt Debentures" of the corporation of the city of Belleville.

10c. The treasurer of the said city shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of

Preamble.

40 V., c. 33, s.  
10 amended.

Power to borrow on debentures.

Payment of debentures and interest.

Outstanding debentures may be called in.



the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council 5 and the said holders of the said outstanding debentures.

**Special rate.** 10*d*. For payment of the principal of the said debentures to be issued under the preceding sections of this Act, the council shall impose a certain specific sum annually (over and above, and in addition to all other rates to be levied in each year, 10 and over and above all interest to be paid on such debentures), which sum is to be such as will be sufficient, with the estimated interest on the investment thereof, to discharge the said debt when payable; and hereafter it shall not be necessary for the council to enforce the collection of the sinking fund or amounts 15 required to be levied for principal money to pay the said outstanding debentures.

**Investment of sinking fund.** 10*e*. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act, in the redemption of the said outstand- 20 ing debentures of the said city, in the redemption of the debentures issued under the authority of the preceding sections of this Act, or in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being first lien on such real estate, but not to any 25 greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by an Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any bank or banks of the 30 Dominion of Canada that the council may from time to time approve.

**Application of surplus.** 10*f*. On the sale of the said debentures or any of them, should any surplus arise in the sale thereof, such surplus shall be applied to the sinking fund for the payment of the said 35 debentures, and for no other purpose.

**Irregularities not to invalidate debentures.** 10*g*. No irregularity in the form either of the said debentures to be issued under the preceding sections of this Act or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action 40 brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them or any part thereof.

**Act to apply to outstanding debentures.** 2. Notwithstanding anything contained in said section 10 of the said Act above recited, this Act shall apply to all debentures 45 of the corporation of the city of Belleville issued, unpaid and outstanding at the time of the passing of this Act, and amounting to the sum of \$408,000.



No. 3.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the City of Belleville.

First Reading,                      , 1890.

(Private Bill.)

MR. OSTROM.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



## An Act respecting the City of Belleville.

**W**HEREAS the debenture debt of the corporation of the city of Belleville at the time of the passing of an Act of the Legislature of the Province of Ontario passed in the 40th year of Her Majesty's reign, chaptered 33, amounted to the sum of \$266,997, a part of which has since that time been paid, but other debentures of the said corporation have since been issued and disposed of, leaving the present debenture debt of the said corporation amounting to \$408,000; and whereas no action was taken under the aforesaid Act towards consolidating the said debt, and the said corporation by their petition have prayed that the said Act above recited be so amended as to enable them to consolidate the said debenture debt by the issue of debentures payable in this Province, Great Britain, or elsewhere, and for any period not exceeding forty years, and to make such further and other provisions for the proper carrying out of the said Act, and enabling them to efficiently consolidate the said debt; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 10 of the Act passed in the 40th year of Her Majesty's reign, chaptered 33, and intituled "*An Act for the incorporation of the town of Belleville as a city and for the consolidation of the debt thereof*," is hereby amended by adding thereto the following as sections 10a, 10b, 10c, 10d, 10e, 10f, and 10g.

10a. The corporation of the said city may for the purpose in section 10 hereinbefore mentioned, raise money to the extent of \$408,000 by way of a loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient for the purposes aforesaid.

10b. The said debentures shall be payable in not more than forty years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly in the places mentioned therein and in the coupons attached thereto; and such debentures may bear interest at any rate not exceeding five per cent. per annum, and such debentures may be known as the "Consolidated Debt Debentures" of the corporation of the city of Belleville.

10c. The treasurer of the said city shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of

Preamble.

40 V., c. 33, s. 10 amended.

Power to borrow on debentures.

Payment of debentures and interest.

Outstanding debentures may be called in.

the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Special rate.

10d. For payment of the principal of the said debentures to be issued under the preceding sections of this Act, the council shall impose a certain specific sum annually (over and above, and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures), which sum is to be such as will be sufficient, with the estimated interest on the investment thereof, to discharge the said debt when payable; and hereafter it shall not be necessary for the council to enforce the collection of the sinking fund or amounts required to be levied for principal money to pay the said outstanding debentures.

Investment of sinking fund.

10e. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act, in the redemption of the said outstanding debentures of the said city, in the redemption of the debentures issued under the authority of the preceding sections of this Act, or in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being first lien on such real estate, but not to any greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by an Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any bank or banks of the Dominion of Canada that the council may from time to time approve.

Application of surplus.

10f. On the sale of the said debentures or any of them, should any surplus arise in the sale thereof, such surplus shall be applied to the sinking fund for the payment of the said debentures, and for no other purpose.

Irregularities not to invalidate debentures.


10g. No irregularity in the form either of the said debentures to be issued under the preceding sections of this Act or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them or any part thereof.

Act to apply to outstanding debentures.

2. This Act shall apply to all debentures of the corporation of the city of Belleville issued, unpaid and outstanding at the time of the passing of this Act, and amounting to the sum of \$408,000.

3. It shall be the duty of the treasurer from time to time of the said city to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by the Act, and the respective

amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, setting forth also the investment made from time to time of the sinking fund, and the said book of account and statement shall at all times and at all reasonable hours to be open to the inspection of any ratepayer of the said town and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

4. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorising the same may be in the form of Schedule "B" to this Act. 

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### SCHEDULE A.

#### CONSOLIDATED DEBT DEBENTURES.

##### *Province of Ontario—City of Belleville.*

Under and by virtue of an Act passed in the 53rd year of Her Majesty's reign, intituled "An Act respecting the City of Belleville," and by virtue of by-law No.        of the corporation of the City of Belleville, passed under the provisions contained in the said Act, the corporation of the city of Belleville promise to pay to the bearer at        in        the sum of        on the        day of        A.D.        , and the coupons hereto attached as the same shall severally become due.

Dated at Belleville, in the County of Hastings this        day of        A.D.        .

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### SCHEDULE B.

By-law No.        , to authorize the issue of debentures under the authority of an Act passed in the 53rd year of Her Majesty's reign, intituled "An Act respecting the City of Belleville."

Whereas the said Act authorizes the issue of debentures for purposes therein mentioned, not exceeding the sum of \$        in the whole, as the corporation of the city of Belleville may in pursuance of and in conformity with the provisions of said Act direct;

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$        , payable on the        day of        , and on the        day of        (or as the case may be), with interest thereon at the rate of        per centum per annum, payable half-yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said city of Belleville, according




to the last revised assessment roll of the said city, being for the year one thousand eight hundred and                      was \$                      ;

Therefore the corporation of the city of Belleville enacts as follows:—

1. That the debentures under the said Act, and for the purposes therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$                      , are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of                      per centum per annum, payable half-yearly on the                      days of                      and                      in each year.

This by-law passed in open council this                      day of                      in the year of our Lord one thousand eight hundred and                      . 



No. 3.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the City of Belleville.

First Reading, 11th February, 1890.

*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. OSTROM.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to Consolidate the Debt of the Town of  
Brampton.

**W**HEREAS the corporation of the town of Brampton, in Preamble.  
the county of Peel, have by their petition represented  
that they have incurred debts and liabilities for the purpose of  
giving a railway bonus, of loaning money to a manufactur-  
5 ing company and for public improvements, to the extent of  
\$135,015, for which amount debentures of the said town have  
from time to time been issued under the authority of various  
by-laws, and are also indebted to the extent of \$6,500 for  
floating liabilities; and whereas the said corporation have  
10 further represented that the payments to be made on account  
of the said debenture debt outstanding and the said floating  
debt would be oppressive to the ratepayers; and whereas the  
said corporation by their petition have prayed that the said  
secured and unsecured debts may be consolidated, and that  
15 they may be authorized to issue debentures for that purpose;  
and whereas it is expedient to grant the prayer of the said  
petition.

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
20 as follows:—

1. The said debts of the said town of Brampton are hereby Debts consoli-  
consolidated at the sum of \$141,515, and it shall be lawful for dated.  
the corporation of the said town of Brampton to raise by way  
of loan, on the credit of the debentures hereinafter mentioned,  
25 and by this Act authorized to be issued, from any person or  
persons, or body corporate, a sufficient sum or sufficient sums  
to retire the said debentures, amounting to \$135,015, as they  
respectively become due, and to pay off the other debts,  
amounting to \$6,500, not exceeding in the whole the said sum  
30 of \$141,515, exclusive of interest thereon.

2. It shall be lawful for the said corporation of the town of Issue of debentures author-  
Brampton, from time to time, to pass a by-law or by-laws, pro- ized.  
viding for the issue of debentures under their corporate seal  
signed by the mayor and countersigned by the treasurer, for  
35 the time being, in such sums of not less than \$100, and not  
exceeding \$141,515 in the whole, as the said corporation may,  
from time to time direct, and the principal sum secured by  
the said debentures and the interest accruing thereon may be  
payable at such place or places as the said corporation may  
40 deem expedient, and may be expressed in either sterling money  
of Great Britain or currency of Canada.

3. The corporation of said town may, for the purpose in Power to bor-  
section 7, hereof mentioned, raise money by way of loan on row on debentures.

the said debentures in this province or in Great Britain or elsewhere, or sell and dispose of said debentures, from time to time, as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than forty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly, on the first day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Term of debentures.

5. A portion of the \$141,515 of debentures to be issued under this act, shall be made payable in each year for a period not exceeding forty years from the first day of December, 1890, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Application of debentures.

7. The said debentures and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the debentures of the town of Brampton, to the amount of \$135,015, and in payment of the said debt of \$6,500, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures,"

Outstanding debentures may be called in.

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-laws not to be repealed until debt satisfied.

9. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law, and the interest thereon shall be paid and satisfied.

Assent of electors to by laws not required.

10. It shall not be necessary to obtain the assent of the electors of the said town of Brampton to the passing of any by-law which shall be passed under the provisions of this Act,

Rev. Stat. c. 184.

or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

- 11.** It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.
- 12.** Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Brampton from any indebtedness or liability which may not be included in the said debt of the said town of Brampton.
- 13.** The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B to this Act.
- 14.** Any provisions in the Acts respecting municipal institutions in the province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.
- 15.** This Act may be cited as "*The Brampton Debenture Act, 1890.*"

Treasurer to keep books showing state of debenture account.

Liability of corporation not affected.

Form of debenture.

Inconsistent provisions in municipal Acts not to apply.

Short title.



## SCHEDULE A.

## CONSOLIDATED DEBT DEBENTURE.

No. . \$ .

*Province of Ontario, Town of Brampton.*

Under and by virtue of "The Brampton Debenture Act, 1890," and by virtue of by-law No. of the corporation of the town of Brampton, passed under the provisions contained in the said Act, the corporation of the town of Brampton promise to pay to the bearer at in sum of on the day of one thousand and hundred and and the yearly coupons hereto attached as the same shall severally become due.

Dated at Brampton, in the county of Peel, this day of , A. D.

A. B. Mayor.

C. D. Treasurer.

[L. S.]

## SCHEDULE B.

BY-LAW No. , TO AUTHORIZE THE ISSUE OF DEBENTURES UNDER THE AUTHORITY OF "THE BRAMPTON DEBENTURE ACT, 1890."

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of \$141,515, in the whole as the corporation of the town of Brampton, may in pursuance of, and in conformity with the provisions of the said Act direct.

And whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ . payable on the day of and on the day of , (or as the case may be,) with interest thereon at the rate of per cent. per annum, payable yearly, according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said town of Brampton, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and , was \$ .

Therefore the municipal corporation of the town of Brampton hereby enacts as follows:—

1. That debentures under the said Act, and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$ , are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum payable yearly, on the first day of December in each year.

This by-law passed in open council this day of , in the year of our Lord, one thousand eight hundred and .



No. 4.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to Consolidate the Debt of the Town  
of Brampton.

First Reading,	1890.
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(Private Bill.)

Mr. CHISHOLM.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to consolidate the debt of the Town of  
Listowel, and for other purposes.

WHEREAS the corporation of the town of Listowel have, Preamble.  
by their petition, represented that they have incurred  
debts and liabilities for the purpose of giving bonuses to rail-  
ways and manufacturers and for public improvements to the  
5 extent of \$88,710, for which amount debentures of the said  
town have, from time to time, been issued under the authority  
of various by-laws; and whereas the said corporation have  
incurred a floating debt of the sum of \$6,000 in addition to  
the ordinary expenses of the said corporation, for the payment  
10 of which no fund has been provided; and whereas for the  
purpose of securing the sanitary condition of said town of  
Listowel contiguous to the branch of the river Maitland, a  
small creek flowing through and immediately beneath the  
business portion of said town, it is expedient and necessary to  
15 inaugurate a joint system of sewerage and water-works, for  
which it will be necessary to raise the sum of \$10,000; and  
whereas of the said debenture debt of the said town of  
Listowel, the sum of \$4,710 becomes due and payable in yearly  
instalments of \$1,000, and interest, on the 15th day of Decem-  
20 ber in each of the years 1890, 1891, 1892 and 1893, under and  
by virtue of by-law No. 103 of said corporation, the sum of  
\$15,000 in the year 1891, the sum of \$41,000 in the year 1896,  
the sum of \$13,000 in the year 1899, and the sum of \$15,000  
in the year 1908, together with interest on said several sums;  
25 and whereas for the said several debentures except the first  
named, it has been made to appear that no funds have been  
provided, by way of a sinking fund or otherwise, for redeeming  
the same or any portion thereof, save and excepting only the  
interest maturing thereon from year to year, and that it would  
30 be in the interest of the said town of Listowel to obtain an  
Act authorizing the issue of debentures in order to retire the  
said debentures (save and except the said debenture on which  
is outstanding \$4,000 and interest under by-law No. 103 afore-  
said) as they from time to time fall due, and for the other  
35 purposes hereinbefore set forth; and whereas the said corpora-  
tion of the said town of Listowel have, in and by their said  
petition, prayed for the passing of an Act to entitle them to  
carry out their said objects; and whereas it is expedient to  
grant the prayer of the said petition;  
Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The said debts of the corporation of the town of Listowel Debts con-  
are hereby consolidated at the sum of \$100,000, and it shall be solidated.  
40 lawful for the said corporation of the town of Listowel to raise,

by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, body or bodies, corporate or politic, either in the province of Ontario or in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding 5 \$100,000 of lawful money of Canada.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the town of Listowel to pass by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer and clerk for the time being, in such 10 sums, not exceeding the sum of \$100,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this province or in Great Britain 15 or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the said corporation may deem expedient.

Power to borrow on debentures.

3. It shall be lawful for the municipal council of the said corporation of the town of Listowel, for the purposes hereinafter mentioned, to raise money by way of loan on the said 20 debentures in this province or in Great Britain or elsewhere, or sell or dispose of said debentures, or any portion thereof, in this province or in Great Britain or elsewhere, from time to time, as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not less than 25 twenty nor more than thirty years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the fifteenth days of the months of June and December in each and every 30 year or yearly on the fifteenth day of December, as said corporation may direct, at the places mentioned therein, and such debentures may bear interest at a rate not exceeding five per cent. per annum.

Application of debentures.

5. The said debentures and all moneys arising therefrom 35 shall be applied by the said corporation in the redemption of the now outstanding indebtedness of the town of Listowel (save and except the first mentioned debenture issued by virtue of said by-law No. 103), in the payment of the floating debt of the said town of Listowel and in the erection and completion 40 of a joint system of sewerage and water-works for the said town of Listowel, and in no other manner and for no other purposes whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Outstanding debentures may be called in.

6. The treasurer of the said corporation shall, on receiving 45 instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under this Act, or may, with the like instructions and consent, substitute therefor the said debentures, or any of 50 them, hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of said outstanding debentures.

7. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

8. For the payment of the said debentures to be issued under this Act the council shall impose a special rate per annum, to be called the "Consolidated Loan Rate," (over and above and in addition to all other rates to be levied in each year) which shall be levied in each year and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of said debentures when the same shall fall due, and said special rate shall, in each and every year during the continuance of said debentures, be inserted in a separate and distinct column on the collectors' roll of said town and shall not be included with any other rate or rates.

Special rate.

9. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act in the redemption of the said outstanding debentures of the said town, or in the debentures issued under the authority of this Act, or in government securities, municipal debentures, or in first mortgages on real estate and being the first lien on such real estate, but not to any greater extent that one-half of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, or said corporation may deposit the said moneys in any chartered bank or banks of the Dominion of Canada that may be approved of by the council from time to time.

Investment of sinking fund.

10. It shall not be necessary to obtain the assent of the electors of the said town of Listowel to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors to by-laws not required.

Rev. Stat. c. 184.

11. The debentures issued under this Act may be in the form contained in the schedule A to this Act, and the by-law or by-laws authorizing the same, and for the special rate for payment of interest and to form a sinking fund, may be in the form of schedule B to this Act.

Form of debentures.

12. No irregularity in form either of the said debentures to be issued under this Act or of the by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them or any part thereof.

Irregularities of form not to invalidate debentures.

## SCHEDULE A.

(Section 11.)

*Province of Ontario, Town of Listowel.*

## CONSOLIDATED DEBT DEBENTURE.

Under and by virtue of an "Act to consolidate the Debt of the Town of Listowel and for other purposes," passed in the year of Her Majesty's reign and chaptered , the corporation of the town of Listowel, in the county of Perth, promise to pay the bearer at the sum of on the day of one thousand hundred and , and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Listowel, Ontario, this day of A.D.

## SCHEDULE B.

(Section 11.)

By-law No. to authorize the issue of debentures under the authority of an "Act to consolidate the Debt of the Town of Listowel and for other purposes," passed in the year of Her Majesty's reign, chaptered , and the levying of a special rate for the payment of said debentures.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$100,000 in the whole, as the said corporation of the town of Listowel may direct ;

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable on the day of , with interest thereon at the rate of per cent. per annum, payable yearly according to the coupons to the said debentures attached ;

And whereas the said Act requires, for the payment of the debentures to be issued thereunder, that the council shall levy a special rate which shall be sufficient to pay the sums falling due annually for interest on said debentures and to provide a sinking fund for the due payment of the principal thereof, and it will require the sum of \$ to be raised annually for the said interest and sinking fund ;

And whereas the amount of the whole ratable property of the town of Listowel, according to the last revised assessment roll for the said town, being for the year one thousand hundred and , was \$

Therefore the municipal corporation of the town of Listowel hereby enacts as follows : -

1. That debentures under the said Act and for the purposes therein mentioned, to be known as Consolidated Debt Debentures, to the extent of the sum of \$ are hereby authorized and directed to be issued.



2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of        per cent. per annum, payable        yearly on the        day of        in each year.

3. That for the purpose of forming a sinking fund for the payment of the said debentures and for the interest at the rate aforesaid to become due thereon, the sum of \$        shall, over and above and in addition to all other sums or rates, be raised, levied and collected, in each year, upon all rateable property in the said town of Listowel during the continuance of the debentures or any of them.

This by-law passed, in open council, this        day of  
in the year of our Lord one thousand        hundred and  
2—5

No. 5.

4th Session, 6th Legislature, 53 Vic., 1889.

BILL.

An Act to Consolidate the Debt of the Town  
of Listowel and for other purposes.

First Reading,                      , 1890.

(Private Bill)

Mr. FREEMAN.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to consolidate the debt of the Town of  
Listowel.

**W**HEREAS the corporation of the town of Listowel have, Preamble.  
by their petition, represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways and manufacturers and for public improvements to the extent of \$88,710, for which amount debentures of the said town have, from time to time, been issued under the authority of various by-laws; and whereas the said corporation have incurred a floating debt of the sum of \$6,000 in addition to the ordinary expenses of the said corporation, for the payment of which no fund has been provided; and whereas of the said debenture debt of the said town of Listowel, the sum of \$4,710 becomes due and payable in yearly instalments of \$1,000, and interest, on the 15th day of December in each of the years 1890, 1891, 1892 and 1893, under and by virtue of by-law No. 103 of said corporation, the sum of \$15,000 in the year 1891, the sum of \$41,000 in the year 1896, the sum of \$13,000 in the year 1899, and the sum of \$15,000 in the year 1908, together with interest on said several sums; and whereas for the said several debentures except the first named, it has been made to appear that no funds have been provided, by way of a sinking fund or otherwise, for redeeming the same or any portion thereof, save and excepting only the interest maturing thereon from year to year, and that it would be in the interest of the said town of Listowel to obtain an Act authorizing the issue of debentures in order to retire the said debentures (save and except the said debenture on which is outstanding \$4,000 and interest under by-law No. 103 aforesaid) as they from time to time fall due, and for the other purposes hereinbefore set forth; and whereas the said corporation of the said town of Listowel have, in and by their said petition, prayed for the passing of an Act to entitle them to carry out their said objects; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the town of Listowel are hereby consolidated at the sum of \$90,000, and it shall be lawful for the said corporation of the town of Listowel to raise, by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, body or bodies corporate or politic, either in the province of Ontario or in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding \$90,000 of lawful money of Canada. Debts consolidated.

Issue of debentures authorized.

2. It shall be lawful for the said corporation of the town of Listowel to pass by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer and clerk for the time being, in such sums, not exceeding the sum of \$90,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the said corporation may deem expedient.

Power to borrow on debentures.

3. It shall be lawful for the municipal council of the said corporation of the town of Listowel, for the purposes hereinafter mentioned, to raise money by way of loan on the said debentures in this province or in Great Britain or elsewhere, or sell or dispose of said debentures, or any portion thereof, in this province or in Great Britain or elsewhere, from time to time, as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not less than twenty nor more than thirty years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the fifteenth days of the months of June and December in each and every year or yearly on the fifteenth day of December, as said corporation may direct, at the places mentioned therein, and such debentures may bear interest at a rate not exceeding five per cent. per annum.

Application of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding indebtedness of the town of Listowel (save and except the first mentioned debenture issued by virtue of said by-law No. 103), and in the payment of the floating debt of the said town of Listowel, and in no other manner and for no other purposes whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Outstanding debentures may be called in.

6. The treasurer of the said corporation shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under this Act, or may, with the like instructions and consent, substitute therefor the said debentures, or any of them, hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of said outstanding debentures.

By-laws not to be repealed until debt satisfied.

7. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Special rate.

8. For the payment of the said debentures to be issued under this Act the council shall impose a special rate per annum, to be called the "Consolidated Loan Rate," (over and above and in addition to all other rates to be levied in each year) which shall be levied in each year and shall be sufficient to pay the



sums falling due annually for interest, and to provide a fund for the due payment of the principal of said debentures when the same shall fall due, and said special rate shall, in each and every year during the continuance of said debentures, be inserted in a separate and distinct column on the collectors' roll of said town and shall not be included with any other rate or rates.

9. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act in the redemption of the said outstanding debentures of the said town, or in the debentures issued under the authority of this Act, or in government securities, municipal debentures, or in first mortgages on real estate and being the first lien on such real estate, but not to any greater extent than one-half of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, or said corporation may deposit the said moneys in any chartered bank or banks of the Dominion of Canada that may be approved of by the council from time to time.

Investment of sinking fund.

10. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the investments which shall, from time to time, be made of the sinking fund; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Treasurer to keep books shewing state of debenture account.

11. It shall not be necessary to obtain the assent of the electors of the said town of Listowel to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*, or amendments thereto.

Assent of electors to by-laws not required. Rev. Stat. c. 184.

12. The debentures issued under this Act may be in the form contained in the schedule A to this Act, and the by-law or by-laws authorizing the same, and for the special rate for payment of interest and to form a sinking fund, may be in the form of schedule B to this Act.

Form of debentures.

13. No irregularity in form either of the said debentures to be issued under this Act or of the by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them or any part thereof.

Irregularities of form not to invalidate debentures.

## SCHEDULE A.

*(Section 11.)**Province of Ontario, Town of Listowel.*

## CONSOLIDATED DEBT DEBENTURE.

Under and by virtue of an "Act to consolidate the Debt of the Town of Listowel and for other purposes," passed in the year of Her Majesty's reign and chaptered , the corporation of the town of Listowel, in the county of Perth, promise to pay the bearer at the sum of on the day of one thousand hundred and , and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Listowel, Ontario, this day of A.D.

## SCHEDULE B.

*(Section 11.)*

By-law No. to authorize the issue of debentures under the authority of an "Act to consolidate the Debt of the Town of Listowel," passed in the year of Her Majesty's reign, chaptered , and the levying of a special rate for the payment of said debentures.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$90,000 in the whole, as the said corporation of the town of Listowel may direct ;

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable on the day of , with interest thereon at the rate of per cent. per annum, payable yearly according to the coupons to the said debentures attached ;

And whereas the said Act requires, for the payment of the debentures to be issued thereunder, that the council shall levy a special rate which shall be sufficient to pay the sums falling due annually for interest on said debentures and to provide a sinking fund for the due payment of the principal thereof, and it will require the sum of \$ to be raised annually for the said interest and sinking fund ;

And whereas the amount of the whole ratable property of the town of Listowel, according to the last revised assessment roll for the said town, being for the year one thousand hundred and , was \$

Therefore the municipal corporation of the town of Listowel hereby enacts as follows :—

1. That debentures under the said Act and for the purposes therein mentioned, to be known as Consolidated Debt Debentures, to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of        per cent. per annum, payable        yearly on the        day of        in each year.

3. That for the purpose of forming a sinking fund for the payment of the said debentures and for the interest at the rate aforesaid to become due thereon, the sum of \$        shall, over and above and in addition to all other sums or rates, be raised, levied and collected, in each year, upon all rateable property in the said town of Listowel during the continuance of the debentures or any of them.

This by-law passed, in open council, this        day of  
in the year of our Lord one thousand        hundred and  
2—5

No. 5.

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4th Session, 6th Legislature, 53 Vic., 1889.

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BILL.

An Act to Consolidate the Debt of the Town  
of Listowel.

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First Reading, 25th February, 1890.

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*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

Mr. FREEMAN.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act respecting certain allowances for roads in the Township of Winchester.

**W**HEREAS the corporation of the township of Winchester, Preamble.  
in the county of Dundas, have by their petition represented that the township was originally surveyed in or about the year 17 ; that the said township was surveyed into lots containing two hundred acres each ; that, in the said original survey of said township, only every alternate concession line was run on the ground ; that, until lately, the said corporation always understood and believed that an allowance for road of one chain in width was made for the line between the alternate concessions so run on the ground in the said original survey ; that, by a survey and measurement made by George Bruce, P.L.S., in the month of October, 1889, sufficient land has been found between the lines actually run on the ground to allow two hundred acres for the lots in each concession and one chain for road between the said concessions ; that, acting in good faith and believing that an allowance for road on said blank lines of one chain in width was so made in the said original survey, they caused to be opened up many parts and portions of said blank lines in said township and have made the same into public highways and expended large sums of money thereon ; that lately the existence of such an allowance for road on said blank alternate concession lines has been questioned ; that it would be of importance to the inhabitants of said township that the said allowances for roads on said blank alternate concession lines should exist beyond all doubt or question, and that the said corporation should be freed from all apprehension of legal proceedings being taken against them for causing the said blank alternate concession lines to be opened up and improved ; that, unless the said blank alternate concession lines be further opened up and improved, many settlers in said township will be without any public highway or allowance for road to reach their lands, and such portions of the said lines as have been opened up may be closed by the owners of the adjoining lands and very great trouble and inconvenience occasioned to the inhabitants of said township and the councils thereof, and have prayed that an Act might be passed enacting that in the said township there shall be an allowance for road, one chain in width, left upon and for all the said blank alternate concession lines ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In the township of Winchester, in the county of Dundas, Road allow-  
there shall be an allowance for road of one chain in width ances on blank

alternate con- upon and for each of the blank alternate concession lines which were not run on the ground in the said original survey of the said township; said blank alternate concession lines lying and being between the first and second, third and fourth, fifth and sixth, seventh and eight, ninth and tenth, and eleventh 5 and twelfth concessions of said township.

Compensation 2. The said corporation shall make compensation to the to owners of owners of the lands adjacent to or constituting such roads as adjacent lands. shall be opened under the provisions of this Act, for all im- 10  
provements made by them or any one under whom they claim  
title, before the passing of this Act, upon the roads hereby  
provided for; the amount of such compensation to be deter-  
mined by arbitration under the provisions of *The Municipal*  
*Act*.

Rev. Stat.  
c. 184.



No. 6.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting certain allowances for  
roads in the Township of Winchester.

First Reading,	1890.
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(Private Bill)

MR. WHITNEY.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act respecting certain allowances for roads in the  
Township of Winchester.


**W**HEREAS the corporation of the township of Winchester, Preamble.  
in the county of Dundas, have by their petition represented that the township was originally surveyed in or about the year 1798; that the said township was surveyed into lots containing two hundred *and four acres net* each; ~~that~~ that said lots have been patented as two hundred acres net each; ~~that~~ that in the said original survey of said township ~~an~~ an allowance for road of one chain in width was left between the several alternate concessions only; ~~that~~ that, until lately, the said corporation always understood and believed that an allowance for road of one chain in width was *left between all the several* concessions in the said original survey; that, acting in good faith and believing that an allowance for road of one chain in width was so made in the said original survey, they caused to be opened up many parts and portions of *the* blank lines in said township and have made the same into public highways and expended large sums of money thereon; that lately the existence of such an allowance for road on said blank alternate concession lines has been questioned; that it would be of importance to the inhabitants of said township that allowances for roads on said blank alternate concession lines should exist beyond all doubt or question, and that the said corporation should be freed from all apprehension of legal proceedings being taken against them for causing the said blank alternate concession lines to be opened up and improved; that, unless the said blank alternate concession lines be further opened up and improved, many settlers in said township will be without any public highway or allowance for road to reach their lands, and such portions of the said lines as have been opened up may be closed by the owners of the adjoining lands and very great trouble and inconvenience occasioned to the inhabitants of said township and the councils thereof, and have prayed that an Act might be passed enacting that in the said township there shall be an allowance for road, one chain in width, left upon and for all the said blank alternate concession lines; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—


1. In the township of Winchester, in the county of Dundas. Road allowances on blank alternate concession lines.  
there shall be an allowance for road of one chain in width upon and for each of the blank alternate concession lines in the said original survey of the said township; said blank alternate concession lines lying and being between the first and

second, third and fourth, fifth and sixth, seventh and eight, ninth and tenth, and eleventh and twelfth concessions of said township.

Position of  
road allow-  
ance.



 2. The said allowances for roads of one chain in width along said blank alternate concession lines shall be left and laid out on the south side of said blank alternate concession lines as run upon the ground in the original survey.

Compensation  
to owners of  
adjacent  
lands.

 3. The said corporation shall make compensation to the owners of the lands adjacent to or constituting such roads as shall be opened under the provisions of this Act, for so much land only so taken for said road allowances as may in any case reduce the area of the lot from which the land is taken, to less than two hundred acres or below the basis of two hundred acres for each original full lot, and to the extent only of such reduction; and in all cases for all improvements made by them or any one under whom they claim title, before the passing of this Act, upon the roads hereby provided for; the amount of such compensation to be determined by arbitration under the provisions of *The Municipal Act*.

Rev. Stat.  
c. 184.

Cost of  
measurements

 4. The costs of all such measurements as shall be necessary to determine the area mentioned in the preceding section hereof shall be paid by the said corporation. 



No. 6.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting certain allowances for  
roads in the Township of Winchester.

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First Reading, 12th February, 1890.

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(*Reprinted as amended by Private Bills  
Committee.*)

(Private Bill.)

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




Mr. WHITNEY.

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TORONTO:  
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act respecting certain allowances for roads in the  
Township of Winchester.

WHEREAS the corporation of the township of Winchester, Preamble,  
in the county of Dundas, have by their petition represented that the township was originally surveyed in or about the year 1798; that the said township was surveyed into lots containing two hundred and four acres net each; that said lots have been patented as two hundred acres net each; that in the said original survey of said township, an allowance for road of one chain in width was left  on the south side of each alternate concession line only, commencing with the first concession; that, until lately, the said corporation always understood and believed that an allowance for road of one chain in width had been left on the south side of each concession line in said township, by said original survey; that, under these circumstances, and acting in good faith, they caused to be opened up and constructed public highways on portions of what they so believed to be road allowances; but which were not road allowances by said original survey;  that it would be of importance to the inhabitants of said township that allowances for roads on *the south side of all the said concession lines* should exist beyond all doubt or question, and that the said corporation should be freed from all apprehension of legal proceedings being taken against them for causing the said  public highways to be opened up and improved; that, unless the said highways be opened up throughout their entire length,  many settlers in said township will be without any public highway or allowance for road to reach their lands, and such portions of the *said highways* as have been opened up may be closed by the owners of the adjoining lands and very great trouble and inconvenience occasioned to the inhabitants of said township and the councils thereof, and have prayed that an Act might be passed enacting that in the said township there shall be an allowance for road, one chain in width, left  upon the south side of each of said concession lines where no allowance for road was so left by said original survey;  and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In the township of Winchester, in the county of Dundas, there shall be an allowance for road of one chain in width upon *the south side of* each of the concession lines in the said original survey of the said township, lying and being between Road allowances on certain concession lines.

the first and second, third and fourth, fifth and sixth, seventh and eighth, ninth and tenth, and eleventh and twelfth concessions of said township.

Compensation  
to owners of  
adjacent  
lands.

2. The said corporation shall make compensation to the owners of the lands adjacent to or constituting such roads as shall be opened under the provisions of this Act, for so much land only so taken for said road allowances as may in any case reduce the area of the lot from which the land is taken, to less than two hundred acres or below the basis of two hundred acres for each original full lot, and to the extent only of such reduction ; and in all cases for all improvements made by them or any one under whom they claim title, before the passing of this Act, upon the roads hereby provided for; the amount of such compensation to be determined by arbitration under the provisions of *The Municipal Act*.

Rev. Stat.  
c. 184.

Cost of  
measurements

3. The costs of all such measurements as shall be necessary to determine the area mentioned in the preceding section hereof shall be paid by the said corporation.



No. 6.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting certain allowance for  
roads in the Township of Winchester.

First Reading,	12th February, 1890.
Second "	7th March, 1890.

*(Reprinted as amended by Committee  
of the Whole House.)*

(Private Bill.)

Mr. WHITNEY.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W



An Act to change the name of the Village of West  
Winchester, to that of Winchester.

WHEREAS the corporation of the village of West Win- Preamble.  
chester, in the county of Dundas has, by its petition,  
prayed that the name of the village of West Winchester be  
changed to that of Winchester, and has by the said petition set  
5 forth that the said name of West Winchester was adopted at a  
time when there was a post-office a few miles to the east called  
Winchester, but which has since been changed to Chesterville;  
that the station of the Canadian Pacific Railway at said village  
is called Winchester; that the name of said Village has often  
10 been confounded with that of New Westminster, in the Pro-  
vince of British Columbia, and letters and merchandise in-  
tended for, and addressed to said village, have often been sent  
to New Westminster aforesaid, and that the said name West  
Winchester is unnecessarily long, and has no local or geo-  
15 graphical signification; and whereas it is expedient to grant  
the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

- 20   1. The name of the corporation of the said village of West Name  
changed.  
Winchester is hereby changed from that of the village of West  
Winchester to that of the village of Winchester, and the  
corporate name of the said village is hereby declared to be,  
“The Corporation of the Village of Winchester.”
- 25   2. Nothing in this Act contained, shall in any way affect Validity of  
by-laws not to  
be affected.  
the validity of any by-law of the said corporation of the village  
of West Winchester, or of any debts, debentures, or other  
obligations of the said corporation, and all rights, powers,  
debts, duties and obligations of the said corporation of the  
30 village of West Winchester shall be vested in, assumed by, and  
be and remain the rights powers, debts, duties and obligations  
of the said corporation of the village of Winchester.

NO. 7.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to change the name of the Village  
of West Winchester to that of Win-  
chester.

First Reading,	1890.
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(Private Bill.)

MR. WHINEY.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to confirm certain By-Laws of the Town of Peterborough and for other purposes.

WHEREAS by the Act of the Parliament of Canada, passed in the 24th year of Her Majesty's reign, chaptered 61, it was amongst other things enacted, that it should not be lawful for the corporation of the town of Peterborough to incur any further liability than as therein set forth except for current expenses to be paid out of the annual assessment without the sanction of the legislature; and whereas the corporation of the town of Peterborough have by a petition prayed that the by-laws of the said corporation hereinafter referred to which have been duly approved by the electors of the municipality may be confirmed and that notwithstanding the said Act of the late Province of Canada, 24 Victoria, chapter 61, the said corporation may be authorised to incur liabilities to the extent hereinafter mentioned, and that provision may be made as to the term of debentures of the said corporation and as to the sinking fund of such debentures, and as to the re-issue of debentures held as an investment of such sinking fund, and that a doubt as to the construction of the Act passed by the Legislative Assembly, of the Province of Ontario, in the 35th year of Her Majesty's reign, chapter 71 may be removed, and that the said Act may be amended as herein set out, and that the said corporation may be authorised to acquire lands for public parks and other public purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law of the corporation of the town of Peterborough number 551, entitled "a by-law to provide for the erection of a public market in the town of Peterborough" and the by-law of the said corporation, number 594, entitled "a by-law to provide for the issue of debentures to the extent of \$18,000 for public school purposes in the town of Peterborough," and the by-law of the said corporation, number 603, entitled "a by-law to aid, by way of bonus, the Brooks Manufacturing Company," are hereby confirmed and are declared to be and to have been from the passing thereof respectively legal, valid, and binding, and the said corporation is hereby authorised to incur the liabilities and to borrow the money and issue the debentures in the said by-laws respectively set forth.

By-laws numbers 551, 594 and 603, of the town of Peterborough confirmed.

2. Notwithstanding anything contained in the said Act of the late Province of Canada, passed in the 24th year of Her Majesty's reign, chaptered 61, or in any other statute affecting

Issue of debentures authorised.

Rev. Stat., c.  
184.

the said town of Peterborough, it shall be lawful for the corporation of the town of Peterborough by by-law or by by-laws hereafter to be passed with the assent of the electors in the manner provided by *The Municipal Act*, to incur liabilities for purposes within the powers of the said corporation and to issue debentures for the purpose of raising money to the extent in the whole not exceeding ten per cent. of the assessed value of the taxable property of the said corporation at the time of the passing of such by-law respectively over and above the liabilities of the said corporation already incurred or authorised by any statute heretofore passed and affecting the said town.

Term of debentures.

3. In and by any by-law hereafter to be passed by the corporation under the authority of this or any other Act the Council may provide that any debentures to be issued by said corporation may be made payable at any time not exceeding thirty years from the date of issue thereof; and that the sinking fund for the repayment of the principal money of such debentures shall in the case of any such thirty years debentures be such sum, not less than one per cent. per annum of the amount of such debentures, as the council may fix and determine.

Irregularities in form not to invalidate debentures.

4. After the sale of any debentures of the said corporation under any by-law hereafter to be passed, no irregularity in the issuing of any such debentures or in the passing of such by-law, shall be held to invalidate or affect such debentures in the hands of a purchaser or holder for value.

Consolidation and re-issue of certain debentures.

5. It shall and may be lawful for the said corporation at any time after the passing of this Act, to consolidate and re-issue for a term not exceeding the term authorised by this by-law, the debentures of the said corporation numbered from 201 to 213 respectively for the aggregate amount of \$13,000, maturing in May, 1898; the debentures numbered from 235 to 239 inclusive for the aggregate amount of \$5,000, maturing on July 1st, 1890; the debentures numbered from 255 to 259 inclusive for the aggregate amount of \$4,000, maturing on July 1st, 1894; the debentures numbered from 260 to 264 inclusive for the aggregate amount of \$5,000, maturing on January 1st, 1896; the debentures numbered from 265 to 278 inclusive for the aggregate amount of \$14,000, maturing on January 1st, 1893; and the debentures numbered from 279 to 281 inclusive for the aggregate amount of \$3,200, and the debentures numbered 282 and 283 and from 314 to 318 inclusive for the aggregate amount of \$6,800, maturing on January 1st, 1893, making in all the sum of \$51,000, and which several debentures are held by the commissioners of the Peterborough Town Trust as an investment of the debenture sinking fund of the said corporation and the by-law or by-laws authorising the same, may be passed by the council of said corporation without submitting the same to the electors.

Aid to manufactures.

6. It shall be lawful for the said corporation by by-law to be passed under the said last mentioned Act, to aid the promotion of manufactures in the said last mentioned Act referred to, by assuming and paying the rent of any building or buildings to be used for such purpose, or by erecting any building



or buildings or acquiring any lands or buildings and granting the same or the use thereof, to any person or persons, or body corporate, for manufacturing purposes.

7. It is hereby declared to be, and to have been from the Intention of 35  
 5 passing thereof, the true meaning and intent of section 3 of V., c. 71, s. 3,  
 the said Act, passed in the 35th year of Her Majesty's reign, declared.  
 chaptered 71, that the by-law or by-laws therein referred to,  
 shall have been submitted and approved by the majority of the  
 qualified electors of the town of Peterborough, voting thereon  
 10 in the same manner as with money by-laws requiring the  
 assent of the electors.

8. It shall and may be lawful for the corporation of the Power to ac-  
 town of Peterborough to acquire and hold lands within or out- quire lands for  
 side of the limits of the town of Peterborough, for public public parks,  
 etc.  
 15 parks and other public purposes.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to confirm certain By-laws of the  
Town of Peterborough, and for other  
purposes.

First Reading,	1890.
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(Private Bill.)

MR. STRATTON.

TORONTO :

PRINTED BY WEAVER & SONS, 68 AND 70 FRONT ST. W.

An Act to confirm certain By-Laws of the Town of Peterborough and for other purposes.

**W**HEREAS by the Act of the Parliament of Canada, passed in the 24th year of Her Majesty's reign, chaptered 61, it was amongst other things enacted, that it should not be lawful for the corporation of the town of Peterborough to incur any further liability than as therein set forth except for current expenses to be paid out of the annual assessment without the sanction of the legislature; and whereas the corporation of the town of Peterborough have by a petition prayed that the by-laws of the said corporation hereinafter referred to which have been duly approved by the electors of the municipality may be confirmed and that notwithstanding the said Act of the late Province of Canada, 24 Victoria, chapter 61, the said corporation may be authorised to incur liabilities to the extent hereinafter mentioned, and that provision may be made as to the term of debentures of the said corporation and as to the sinking fund of such debentures, and as to the re-issue of debentures held as an investment of such sinking fund, and that a doubt as to the construction of the Act passed by the Legislative Assembly, of the Province of Ontario, in the 35th year of Her Majesty's reign, chapter 71 may be removed, and that the said Act may be amended as herein set out, and that the said corporation may be authorised to acquire lands for public parks and other public purposes;  and whereas it is desirable to make special provision for the investment of the endowment of the Nicholls Hospital Trust;  and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law of the corporation of the town of Peterborough number 551, entitled "a by-law to provide for the erection of a public market in the town of Peterborough" and the by-law of the said corporation, number 594, entitled "a by-law to provide for the issue of debentures to the extent of \$18,000 for public school purposes in the town of Peterborough," and the by-law of the said corporation, number 603, entitled "a by-law to aid, by way of bonus, the Brooks Manufacturing Company," are hereby confirmed and are declared to be and to have been from the passing thereof respectively legal, valid, and binding, and the said corporation is hereby authorised to incur the liabilities and to borrow the money and issue the debentures in the said by-laws respectively set forth.

By-laws numbers 551, 594 and 603, of the town of Peterborough confirmed.

2. Notwithstanding anything contained in the said Act of the late Province of Canada, passed in the 24th year of Her

Issue of debentures authorised.

Rev. Stat., c.  
184.

Majesty's reign, chaptered 61, or in any other statute affecting the said town of Peterborough, it shall be lawful for the corporation of the town of Peterborough by by-law or by by-laws hereafter to be passed with the assent of the electors in the manner provided by *The Municipal Act*, to incur liabilities for purposes within the powers of the said corporation and to issue debentures for the purpose of raising money to the extent in the whole not exceeding ten per cent. of the assessed value of the taxable property of the said corporation at the time of the passing of such by-law or by-laws respectively including the liabilities of the said corporation already incurred or authorised by any statute heretofore passed and affecting the said town.

Term of debentures.

3. In and by any by-law hereafter to be passed by the corporation under the authority of this or any other Act the Council may provide that any debentures to be issued by said corporation may be made payable at any time not exceeding thirty years from the date of issue thereof; and that the sinking fund for the repayment of the principal money of such debentures shall in the case of any such thirty years debentures be such sum, not less than one per cent. per annum of the amount of such debentures, as the council may fix and determine.

Irregularities in form not to invalidate debentures.

4. After the sale of any debentures of the said corporation under any by-law hereafter to be passed, no irregularity in the issuing of any such debentures or in the passing of such by-law, shall be held to invalidate or affect such debentures in the hands of a purchaser or holder for value.

Consolidation and re-issue of certain debentures.

5. It shall and may be lawful for the said corporation at any time after the passing of this Act, to consolidate and re-issue for a term not exceeding the term authorised by this by-law, the debentures of the said corporation numbered from 201 to 213 respectively for the aggregate amount of \$13,000, maturing in May, 1898; the debentures numbered from 235 to 239 inclusive for the aggregate amount of \$5,000, maturing on July 1st, 1890; the debentures numbered from 255 to 259 inclusive for the aggregate amount of \$4,000, maturing on July 1st, 1894; the debentures numbered from 260 to 264 inclusive for the aggregate amount of \$5,000, maturing on January 1st, 1896; the debentures numbered from 265 to 278 inclusive for the aggregate amount of \$14,000, maturing on January 1st, 1893; and the debentures numbered from 279 to 281 inclusive for the aggregate amount of \$3,200, and the debentures numbered 282 and 283 and from 314 to 318 inclusive for the aggregate amount of \$6,800, maturing on January 1st, 1893, making in all the sum of \$51,000, and which several debentures are held by the commissioners of the Peterborough Town Trust as an investment of the debenture sinking fund of the said corporation and the by-law or by-laws authorising the same, may be passed by the council of said corporation without submitting the same to the electors.

Aid to manufactures.

6. It shall be lawful for the said corporation by by-law to be passed under the Act passed in the 35th year of Her Majesty's reign, chaptered 11, to aid the promotion of manufactures in the said last mentioned Act referred to,



by assuming and paying the rent of any building or buildings to be used for such purpose, or by erecting any building or buildings or acquiring any lands or buildings and granting the same or the use thereof, to any person or persons, or body corporate, for manufacturing purposes.

7. It is hereby declared to be, and to have been from the passing thereof, the true meaning and intent of section 3 of the said Act, passed in the 35th year of Her Majesty's reign, chaptered 71, that the by-law or by-laws therein referred to, shall have been submitted and approved by the majority of the qualified electors of the town of Peterborough, voting thereon in the same manner as with money by-laws requiring the assent of the electors.

Intention of 35 V., c. 71, s. 3, declared.

8. It shall and may be lawful for the corporation of the town of Peterborough, by by-law or by-laws to be passed for that purpose by the council of the said town without the assent of the electors, to borrow from the Nicholls Hospital Trust any sum not exceeding the sum of \$50,000, being the endowment moneys of the said trust, and therewith to take up debentures of the said corporation issued for public school purposes or for other purposes not chargeable upon the supporters of separate schools in the said town, and such debentures may be issued and reissued from time to time at any rate not exceeding five per cent. and for any period not exceeding thirty years at any one time, notwithstanding a different rate of interest or a different period for redemption may have been provided by the by-law or by-laws originally authorizing the issue of such debentures.

Power to acquire lands for public parks, etc.

No. 8.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to confirm certain By-laws of the  
Town of Peterborough, and for other  
purposes.

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First Reading, 25th March, 1890.

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*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

M. STRATTON.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to confirm certain By-Laws of the Town of Peterborough and for other purposes.

**W**HEREAS by the Act of the Parliament of Canada, passed Preamble. in the 24th year of Her Majesty's reign, chaptered 61, it was amongst other things enacted, that it should not be lawful for the corporation of the town of Peterborough to incur any further liability than as therein set forth except for current expenses to be paid out of the annual assessment without the sanction of the legislature: and whereas the corporation of the town of Peterborough have by a petition prayed that the by-laws of the said corporation hereinafter referred to which have been duly approved by the electors of the municipality may be confirmed and that notwithstanding the said Act of the late Province of Canada, 24 Victoria, chapter 61, the said corporation may be authorised to incur liabilities to the extent hereinafter mentioned, and that provision may be made as to the term of debentures of the said corporation and as to the sinking fund of such debentures, and as to the re-issue of debentures held as an investment of such sinking fund, and that a doubt as to the construction of the Act passed by the Legislative Assembly, of the Province of Ontario, in the 35th year of Her Majesty's reign, chapter 71 may be removed, and that the said Act may be amended as herein set out, and that the said corporation may be authorised to acquire lands for public parks and other public purposes; and whereas it is desirable to make special provision for the investment of the endowment of the Nicholls Hospital Trust; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law of the corporation of the town of Peterborough number 551, entitled "a by-law to provide for the erection of a public market in the town of Peterborough" and the by-law of the said corporation, number 594, entitled "a by-law to provide for the issue of debentures to the extent of \$18,000 for public school purposes in the town of Peterborough," and the by-law of the said corporation, number 603, entitled "a by-law to aid, by way of bonus, the Brooks Manufacturing Company," are hereby confirmed and are declared to be and to have been from the passing thereof respectively legal, valid, and binding, and the said corporation is hereby authorised to incur the liabilities and to borrow the money and issue the debentures in the said by-laws respectively set forth.

By-laws numbers 551, 594 and 603, of the town of Peterborough confirmed.

2. Notwithstanding anything contained in the said Act of the late Province of Canada, passed in the 24th year of Her

Issue of debentures authorised.

Rev. Stat., c.  
184.

Majesty's reign, chaptered 61, or in any other statute affecting the said town of Peterborough, it shall be lawful for the corporation of the town of Peterborough by by-law or by by-laws hereafter to be passed with the assent of the electors in the manner provided by *The Municipal Act*, to incur liabilities for purposes within the powers of the said corporation and to issue debentures for the purpose of raising money to the extent in the whole not exceeding ten per cent. of the assessed value of the taxable property of the said corporation at the time of the passing of such by-law or by-laws respectively including the liabilities of the said corporation already incurred or authorised by any statute heretofore passed and affecting the said town, and which shall be existing liabilities at the time of the passing of such by-law or by-laws respectively.

Term of debentures.

3. In and by any by-law hereafter to be passed by the corporation under the authority of this or any other Act *heretofore passed specially relating to the town of Peterboro'* the Council may provide that any debentures to be issued by said corporation may be made payable at any time not exceeding thirty years from the date of issue thereof; and that the sinking fund for the repayment of the principal money of such debentures shall in the case of any such thirty years debentures be such sum, not less than one per cent. per annum of the amount of such debentures, as the council may fix and determine.

Irregularities in form not to invalidate debentures.

4. After the sale of any debentures of the said corporation under any by-law hereafter to be passed, under the authority of this or any other Act heretofore passed specially relating to the town of Peterboro', no irregularity in the issuing of any such debentures or in the passing of such by-law, shall be held to invalidate or affect such debentures in the hands of a purchaser or holder for value.

Consolidation and re-issue of certain debentures.

5. It shall and may be lawful for the said corporation at any time after the passing of this Act, to consolidate and re-issue for a term not exceeding the term authorised by this Act, the debentures of the said corporation numbered from 102 to 213 respectively for the aggregate amount of \$13,000, maturing in May, 1898; the debentures numbered from 235 to 239 inclusive for the aggregate amount of \$5,000, maturing on July 1st, 1890; the debentures numbered from 255 to 259 inclusive for the aggregate amount of \$4,000, maturing on July 1st, 1894; the debentures numbered from 260 to 264 inclusive for the aggregate amount of \$5,000, maturing on January 1st, 1896; the debentures numbered from 265 to 278 inclusive for the aggregate amount of \$14,000, maturing on January 1st, 1893; and the debentures numbered from 279 to 281 inclusive for the aggregate amount of \$3,200, and the debentures numbered 282 and 283 and from 314 to 318 inclusive for the aggregate amount of \$6,800, maturing on January 1st, 1893, making in all the sum of \$51,000, and which several debentures are held by the commissioners of the Peterborough Town Trust as an investment of the debenture sinking fund of the said corporation and the by-law or by-laws authorising the same, may be passed by the council of said corporation without submitting the same to the electors.



6. It shall be lawful for the said corporation by by-law to be passed under the Act passed in the 35th year of Her Majesty's reign, chaptered 11, to aid the promotion of manufactures in the said last mentioned Act referred to, by assuming and paying the rent of any building or buildings to be used for such purpose, or by erecting any building or buildings or acquiring any lands or buildings and granting the same or the use thereof, to any person or persons, or body corporate, for manufacturing purposes. Aid to manufactures.

7. It is hereby declared to be, and to have been from the passing thereof, the true meaning and intent of section 3 of the said Act, passed in the 35th year of Her Majesty's reign, chaptered 71, that the by-law or by-laws therein referred to, shall have been submitted and approved by the majority of the qualified electors of the town of Peterborough, voting thereon in the same manner as with money by-laws requiring the assent of the electors. Intention of 35 V., c. 71, s. 3, declared.

8. It shall and may be lawful for the corporation of the town of Peterborough, by by-law or by-laws to be passed for that purpose by the council of the said town without the assent of the electors, to borrow from the Nicholls Hospital Trust, being the endowment moneys of the said trust, or part thereof and therewith to take up debentures of the said corporation issued for public school purposes or for other purposes not chargeable upon the supporters of separate schools in the said town, and such debentures may be issued and reissued from time to time at any rate not exceeding five per cent. and for any period not exceeding thirty years at any one time, notwithstanding a different rate of interest or a different period for redemption may have been provided by the by-law or by-laws originally authorizing the issue of such debentures. Power to acquire lands for public parks, etc.

No. 8.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL

An Act to confirm certain By-laws of the  
Town of Peterborough, and for other  
purposes.

First Reading, 25th February, 1890.

Second " 5th March, 1890.

*(Reprinted as amended by Committee of  
the Whole House.)*

MT. STRATTON.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

No. 9.]

## BILL.

[1889.

### An Act to amend an Act to Incorporate Huron College.

**W**HEREAS the corporation of Huron College have by their Preamble.  
petition represented that they are an incorporated  
educational institute under an Act of the Parliament of the  
Province of Canada, passed in the twenty-sixth year of Her  
5 Majesty's reign and chaptered 31, and desire an amendment  
to said Act declaring and defining the classes of security in  
which the funds of the said college may be invested, and have  
prayed for the passing of an Act accordingly; and whereas it  
is expedient to grant the prayer of the said petition.  
10 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. The said corporation of Huron College have had under  
their said Act of incorporation and shall have thereunder and  
15 hereunder power to invest all or any of the funds intrusted to  
the care of the said college for all or any of the purposes of  
its incorporation in government securities, mortgages of real  
estate, municipal debentures, the stocks of any chartered bank  
or permanent building society, or of any loan company, or of  
20 any other incorporated financial company in Canada. Investment of funds of college.

No. 9.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend an Act to incorporate  
Huron College.

First Reading,	1890.
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(Private Bill.)

MR. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.



## An Act to consolidate the debt of the Town of Orillia.

**W**HEREAS the corporation of the town of Orillia, in the county of Simcoe, have by their petition represented that they have incurred debts and liabilities for the purpose of railroad bonuses, electric light, waterworks, and other public improvements to the extent of \$79,100, for which amount debentures of the said town have from time to time been issued under the authority of various by-laws; and whereas the payment of the debentures as they fall due has become unduly oppressive to the ratepayers; and whereas the said corporation, by their petition, have prayed that the said debts and liabilities secured by debentures as aforesaid may be consolidated and they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said corporation of the town of Orillia, from time to time, to pass by-laws providing for issue of debentures, under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not exceeding \$79,100 in the whole as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the corporation may deem expedient.

2. The corporation of the said town may, for the purpose hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

3. The said debentures shall be payable in not more than thirty years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon, and such interest shall be payable half yearly, on the day of the months of and in each and every year, at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding 4½ per cent. per annum.

Application of  
debentures.

4. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the outstanding debentures of the town of Orillia, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Special rate.

5. It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any part of them.

Term of debentures.

6. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Outstanding  
debentures  
may be called  
in.

7. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not to  
be repealed  
until debt  
satisfied.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

Assent of electors to by-laws  
not required.

9. It shall not be necessary to obtain the assent of the electors of the said town of Orillia to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat.  
c. 184.

Treasurer to  
keep books  
showing state  
of debenture  
account.

10. It shall be the duty of the treasurer, from time to time of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement, shall at all times and at all reasonable hours be open to the

inspection of any ratepayer of the said town and of any holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures and such inspection shall be allowed free of charge.

5     **11.** The debentures issued under this Act may be in the form <sup>Form of de-</sup> contained in schedule A to this Act, and the by-law or by-<sup>bentures.</sup> laws authorizing the same may be in the form of Schedule B to this Act.

12. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

**13.** The said debentures shall be for a sum of not less than Amount of  
debentures.  
\$100 each.

**14.** This Act may be cited as "*The Orillia Debenture Act*, Short title. 1890."

## SCHEDULE A.

No.	\$
1	100
2	200
3	300
4	400
5	500
6	600
7	700
8	800
9	900
10	1000
11	1100
12	1200
13	1300
14	1400
15	1500
16	1600
17	1700
18	1800
19	1900
20	2000
21	2100
22	2200
23	2300
24	2400
25	2500
26	2600
27	2700
28	2800
29	2900
30	3000
31	3100
32	3200
33	3300
34	3400
35	3500
36	3600
37	3700
38	3800
39	3900
40	4000
41	4100
42	4200
43	4300
44	4400
45	4500
46	4600
47	4700
48	4800
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50	5000
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59	5900
60	6000
61	6100
62	6200
63	6300
64	6400
65	6500
66	6600
67	6700
68	6800
69	6900
70	7000
71	7100
72	7200
73	7300
74	7400
75	7500
76	7600
77	7700
78	7800
79	7900
80	8000
81	8100
82	8200
83	8300
84	8400
85	8500
86	8600
87	8700
88	8800
89	8900
90	9000
91	9100
92	9200
93	9300
94	9400
95	9500
96	9600
97	9700
98	9800
99	9900
100	10000

## CONSOLIDATED DEBT DEBENTURE.

Province of Ontario, Town of Orillia.

Under and by virtue of the Orillia Debenture Act, 1890: and by virtue of by-law No. \_\_\_\_\_ of the corporation of the town of Orillia, passed under the provisions contained in the said Act, the corporation of the town of Orillia promise to pay to the bearer at \_\_\_\_\_ in

the sum of  
on the day of  
A.D.

and the yearly coupons hereto attached as  
the same shall severally become due

Dated at Orillia in the County of Simcoe, this  
day of                      A.D.

[L.S.]

A. B., Mayor.

*C. D.*, Treasurer.

## SCHEDULE B.

By-law No. \_\_\_\_\_ to authorize the issue of debentures  
under the authority of the Orillia Debenture Act, 1890.

Whereas the said Act authorizes the issue of debentures for purposes therein mentioned, not exceeding the sum of \$ \_\_\_\_\_ in the whole, as the corporation of the town of Orillia may in pursuance of and in conformity with the provisions of said Act direct.

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ \_\_\_\_\_ payable on the \_\_\_\_\_ day of \_\_\_\_\_ and on the \_\_\_\_\_ day of \_\_\_\_\_ (or as the case may be) with interest thereon at the rate of \_\_\_\_\_ per centum per annum, payable half yearly, according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said town of Orillia, according to the last revised assessment roll of the said town, being for the year one thousand eight hundred and \_\_\_\_\_ was \$ \_\_\_\_\_

Therefore the corporation of the town of Orillia enacts as follows:—

1. That debentures under the said Act, and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures" to the extent of the sum of \$ \_\_\_\_\_ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of \_\_\_\_\_ per centum per annum, payable half yearly on the \_\_\_\_\_ days of \_\_\_\_\_ and \_\_\_\_\_ in each year.

This by-law passed in open council this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_





4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to consolidate the debt of the  
town of Orillia.

First Reading,	1890.
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(Private Bill.)

Mr. DRURY.

An Act to further amend the Act incorporating the  
Canada Landed Credit Company.

WHEREAS the Canada Landed Credit Company have peti- Preamble.

tioned that an Act may be passed to amend the Act passed in the twenty-second year of Her Majesty's reign and chaptered 133 and to extend the powers conferred on the said company, and to empower the said company to issue debenture stock and to lend moneys on the security of leasehold estates and interests and to reduce the number of their directors and to purchase the assets of or to amalgamate with any other company of the like nature and for other purposes ; and  
10 whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

15 1. The directors of the said company may by by-law or by-laws, from time to time, reduce their number from twelve, provided that the number of said directors shall not be less than seven. Power to reduce number of directors.

2. It shall be lawful for the company, from time to time, and at any time to lend and advance money by way of loan or otherwise for such periods, upon such terms, and at such rate of interest as the directors may think expedient upon the security of leasehold estates and interests. Power to lend on leasehold security.

3. The directors of the said company may, from time to time, with the consent of a majority of the shareholders, present in person or represented by proxy at a meeting specially called for such purpose, issue debenture stock, which shall be treated and considered as a part of the regular debenture debt authorized by the said Act in such amounts and manner, on such terms and bearing such rate of interest as the directors, may from time to time, think proper, but subject to the limitations in the said Act, chapter 133, and the several Acts amending the same contained, and so that the amount of money received on deposit together with the money borrowed on the security of debentures, mortgages, bonds or other instruments, or debenture stock, shall not in the whole exceed the aggregate amount fixed by the said Acts as the authorized limit of the borrowing powers of the company. Power to issue debenture stock.

4. The debenture stock to be issued under the authority of this Act shall rank equally with the debentures issued, or to be issued by the company, and the holders thereof shall not be liable or answerable for any debts or liabilities of the company. Debenture stock, how ranked.

Register of  
debenture  
stock to be  
kept.

5. The company shall cause entries of the debenture stock, from time to time created, to be made in a register to be kept for that purpose at their head office, wherein they shall enter the names and addresses of the several persons and co-partners, from time to time, entitled to the debenture stock, with the 5  
respective amounts of the stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the company, without the payment of any fee or charge. 10

Transfers of  
debenture  
stock to be  
registered.

6. All transfers of the debenture stock of the company shall be registered at the head office of the company, but the company may have transfer books of such debenture stock in Great Britain and Ireland, in which transfers of the said stock may be made; but all such transfers shall be entered in the 15  
book to be kept at the head office.

Certificates to  
be given to  
debenture  
stockholders.

7. The company shall deliver to every holder of debenture stock a certificate stating the amount of the debenture stock held by him, the rate of interest payable thereon; and all regulations and provisions for the time being applicable to 20  
certificates of shares in the capital stock of the company shall apply, *mutatis mutandis*, to certificates of debenture stock.

Rights and  
powers of  
debenture  
stockholders.

8. Debenture stock shall not entitle the holder thereof to be present or to vote at any meeting of the company, or confer any qualification, but shall, in all respects not otherwise by or 25  
under this Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking, except the right to require re-payment of the principal money paid up in respect of the debenture stock.

Debenture  
stock may be  
bought up and  
cancelled.

9. The directors of said company may at any time in the 30  
interests of the said company buy up and cancel said debenture stock or any part thereof.

Power to  
amalgamate  
with other  
companies.

10. The company may unite, amalgamate and consolidate its stock, property, business and franchises with those of any other company or society incorporated or chartered to transact 35  
a like business and any other business in connection with such business, or with those of any building, savings or loan company or society heretofore or hereafter incorporated or chartered, or may sell its assets to any such other company or society, which may be authorized to purchase the same, or may 40  
purchase the assets of any other such company or society, which may be authorized to sell the same, and for the purpose of carrying out such purpose or sale, the company so purchasing may assume the liabilities of the company so selling, and may enter into such bond or agreement of indemnity with the 45  
company or the individual shareholders thereof or both as may be necessary, and may enter into all contracts and agreements necessary to such union, amalgamation, consolidation, sale, purchase or acquisition.

Agreements  
with other  
companies.

11. The directors of the company and of any other such 50  
company or society may enter into a joint agreement under the corporate seals of each of the said corporations for the union, amalgamation or consolidation of the said corporations, or for



the sale by the company of its assets to any other such company or society, or for the purchase or acquisition by the company of the assets of any such company or society, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new corporation, with such other details as they deem necessary to perfect such new organization and the union, amalgamation and consolidation of the said corporations and the after management and working thereof, or the terms or mode of payment for the assets of the company by any other such company or society purchasing the same, or for the assets of any other such company or society purchased or acquired by the company

12. Such agreement, or if no agreement has been entered into, but an offer has been made by another company or society under its corporate seal for the purchase of the assets of the company, or if the company has made any offer under its corporate seal for the purchase of the assets of another company or society, then such offer, shall be submitted to the shareholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration.

13. Notice of the time and place of such meetings and the object thereof, shall be given by written or printed notices addressed to each shareholder of the said corporations respectively, at his last known postoffice address or place of residence, and also by a general notice inserted in a newspaper published at the chief place of business of such corporations once a week for six successive weeks.

14. At such meetings of shareholders such agreement or offer shall be considered and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, unless otherwise provided by the by-laws of the said respective corporations, and the said ballots being cast in person or by proxy; and if two-thirds of the votes of all the shareholders of such corporations representing not less than two-thirds in value of the paid up capital stock of each shall be for the adoption of such agreement, or the adoption or acceptance of such offer then that fact shall be certified upon the said agreement or offer by the secretary or manager of each of such corporations under the corporate seal thereof.

15. If the said agreement is so adopted or the said offer so adopted and accepted at the respective meetings of the shareholders of each of the said corporations, the agreement so adopted or the offer so adopted and accepted and the said certificates thereon shall be filed in the office of the Provincial Secretary of the Province of Ontario, and the said agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition of the assets of the company by such other company or society so purchasing, or by the company of the assets of the company or society so selling, as the case may be; and

Agreements  
to be submit-  
ed to share-  
holders.

Notice of  
meetings.

Voting at  
meetings.

Agreement  
adopted to be  
filed with  
Provincial  
Secretary.

the assets of the company selling shall thereupon without any further conveyance, become absolutely vested in the company purchasing, and the company purchasing shall thereupon become and be responsible for the liabilities of the company or society so selling, the whole as fully and effectually to all intents and purposes as if a special Act were passed with that object; and in dealing with the assets of the company selling it shall be sufficient for the company purchasing to recite the said agreement and the filing thereof in the office of the said Provincial Secretary. 5 10

Copy of agreement filed to be evidence.

**16.** A copy of such agreement or offer so filed and of the certificates thereon properly certified shall be evidence of the existence of such new corporation or of such purchase and acquisition.

Issue of letters patent to new company.

**17.** Due proof of the foregoing facts shall be laid before the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may issue letters patent to the new corporation, and notice thereof shall be duly published by the said Provincial Secretary in the *Ontario Gazette*, after which the new corporation may transact business. 15 20

Who may vote at meetings.

**18.** The shareholders who may vote at such meetings shall be those only whose names are duly entered in the books of the respective corporations at the date of the first publication of the notices calling such meetings, and they shall vote upon the shares only then standing in their respective names. 1 25

Repeal of inconsistent provisions.

**19.** So much of the said Act passed in the twenty-second year of Her Majesty's reign, chaptered 133 and the amendments thereof, as may be inconsistent with or repugnant to the provisions of this Act are hereby repealed.



No. 11.

4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act to further amend the Act Incorporating the Canada Landed Credit Company.

First Reading.	1890.
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(Private Bill.)

MR. LEYS.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to amend the Act incorporating the Village of  
'Tilbury Centre.

WHEREAS the municipal corporation of the village of <sup>Preamble.</sup>  
Tilbury Centre have, by their petition, represented  
that, owing to a portion of their village being in the county  
of Kent, in which *The Canada Temperance Act* was in force  
5 when they were incorporated, that portion of their village  
taken from the county of Essex was still continued as a por-  
tion of the license district of South Essex, for the issue of  
tavern licenses therein; and whereas they have represented  
that the said arrangement has not proved to be an advantageous  
10 one to the said corporation owing to the proper regulation of  
the said licensed taverns and the amount of license fee to be  
imposed being almost entirely beyond their control; and  
whereas *The Canada Temperance Act* has since been repealed  
in the county of Kent; and whereas the municipal council of  
15 the said village of Tilbury Centre have petitioned that an Act  
may be passed to amend the Act incorporating the said village,  
so as to provide that the whole of the said village shall become  
part of the West Riding of Kent for the purposes of *The*  
*Liquor License Act* as it is now for all other purposes; and  
20 whereas it is expedient to grant the prayer of the said  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

25 1. Section 13 of chapter 70 of the Acts passed in the 50th <sup>50 V. c. 70, s.</sup>  
year of Her Majesty's reign, entitled "*An Act to incorporate*  
*the Village of Tilbury Centre*, is hereby repealed and the  
following substituted therefor:—<sup>13 repealed.</sup>

13. Subject to any by-laws of the village council, the license <sup>Liquor</sup>  
30 commissioners for the West Riding of Kent may continue <sup>licenses.</sup>  
to grant licenses to as many taverns within the limits of the  
said village as have hitherto been authorized by the provisions  
of this Act or may be authorized by the provisions of any  
other Act.

No. 12.

4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act to amend the Act Incorporating  
the Village of Tilbury Centre.

First Reading,	1890.
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(Private Bill.)

Mr. BALFOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

No. 12.]



## BILL.

[1890.

### An Act to amend the Act incorporating the Village of Tilbury Centre.

**W**HEREAS the municipal corporation of the village of <sup>Preamble.</sup> Tilbury Centre have, by their petition, represented that, owing to a portion of their village being in the county of Kent, in which *The Canada Temperance Act* was in force when they were incorporated, that portion of their village taken from the county of Essex was still continued as a portion of the license district of South Essex, for the issue of tavern licenses therein; and whereas they have represented that the said arrangement has not proved to be an advantageous one to the said corporation owing to the proper regulation of the said licensed taverns and the amount of license fee to be imposed being almost entirely beyond their control; and whereas *The Canada Temperance Act* has since been repealed in the county of Kent; and whereas the municipal council of the said village of Tilbury Centre have petitioned that an Act may be passed to amend the Act incorporating the said village, so as to provide that the whole of the said village shall become part of the West Riding of Kent for the purposes of *The Liquor License Act* as it is now for all other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

 **1.** Notwithstanding anything to the contrary contained in the Act passed in the 50th year of the reign of Her Majesty, chapter 70, and entitled “*An Act to Incorporate the Village of Tilbury Centre*,” the said Village of Tilbury Centre shall for the purposes of the Liquor License Act hereafter form a part of the license district of West Kent. 

50 V. c. 70, s.  
13 repealed.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend the Act Incorporating  
the Village of Tilbury Centre.

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First Reading, 18th February, 1890.

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*(Reprinted as amended by Private Bills  
Committee.*

(Private Bill.)

Mr. BALFOUR.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

An Act to amend the Act incorporating the Village of  
Tilbury Centre.

**W**HEREAS the municipal corporation of the village of Tilbury Centre have, by their petition, represented that, owing to a portion of their village being in the county of Kent, in which *The Canada Temperance Act* was in force when they were incorporated, that portion of their village taken from the county of Essex was still continued as a portion of the license district of South Essex, for the issue of tavern licenses therein; and whereas they have represented that the said arrangement has not proved to be an advantageous one to the said corporation owing to the proper regulation of the said licensed taverns and the amount of license fee to be imposed being almost entirely beyond their control; and whereas *The Canada Temperance Act* has since been repealed in the county of Kent; and whereas the municipal council of the said village of Tilbury Centre have petitioned that an Act may be passed to amend the Act incorporating the said village, so as to provide that the whole of the said village shall become part of the West Riding of Kent for the purposes of *The Liquor License Act* as it is now for all other purposes; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything to the contrary contained in the Act passed in the 50th year of the reign of Her Majesty, chapter 70, and entitled “*An Act to Incorporate the Village of Tilbury Centre*,” the said Village of Tilbury Centre shall for the purposes of the Liquor License Act hereafter form a part of the license district of West Kent.

50 V. c. 70, s. 13 repealed.

2. Notwithstanding anything to the contrary in *The Liquor License Act* contained the license commissioners for the license district of West Kent shall be bound by the terms of any by-law of the municipality of Tilbury Centre, fixing the license duties payable to such municipality, and which shall be duly passed at any time before the fifteenth day of April, 1890.

License commissioners to be bound by by-laws as to license duties in Tilbury Centre.



No. 12.

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4th Session, 6th Legislature, 53 Vic., 1890

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BILL.

An Act to amend the Act incorporating the  
Village of Tilbury Centre.

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First Reading, 18th February, 1890.  
Second " 24th February, 1890.

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*(Reprinted as amended by Committee of  
the Whole House)*

Mr. BALFOUR.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to Incorporate the Sault Ste. Marie and  
Hudson Bay Railway Company.

**W**HEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway, and to acquire, sell and work coal, iron and other mines as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Joseph Cozens, Robert Davey Perry, John G. Stadelley, Theodore Weld Burdick, Joseph Hall Steeve, John Alexander McDonald, William McKaill Bell, Wemys McKenzie Simpson and John McKay, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The Sault Ste. Marie and Hudson Bay Railway Company," hereinafter called "the company."

2. The head office of the company shall be in the town of Sault Ste. Marie, in the District of Algoma, in the Province of Ontario

3. The company shall have full power and authority to lay out, construct, equip and operate a line of railway of the gauge of four feet eight and one-half inches in width from a point in or near the town of Sault Ste. Marie, in the District of Algoma, to a point on a line of the Canadian Pacific Railway between Dalton station and Ridout station, thence northerly and easterly to Moose Factory or some other point on James Bay in the Province of Ontario, with full power to pass over any portion of the country between the points aforesaid and to carry their railway through Crown lands, if any, lying between the points aforesaid.

4. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the company

Preamble

Incorporation.

Head Office.

Location of line.

Power to construct railway in sections.

Rev. stat., "170"

may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act*, 5 and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway 10 is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said 15 *Railway Act*, and the amendments thereof, with respect to "plans and surveys."

Power to  
acquire  
mineral lands.

5. The company may buy, lease, acquire, sell and mortgage coal, iron and other mines and mineral lands in the Province of Ontario, and may mine for coal, iron and other 20 minerals, and manufacture, sell and dispose of the product of the same, and may purchase, sell and mortgage, construct and own all buildings, machinery and plant that it deems necessary for carrying on and operating said mines.

Power to  
purchase,  
wharves, etc.

6. It shall and may be lawful for the company at any 25 point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages, and lands; and upon the said water lots, water frontages and lands, and in 30 and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers, and other erections, for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; 35 and to collect wharfage and storage and other charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and 40 unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease, or convey. 45

Power to own  
and control  
vessels in con-  
nection with  
railway.

7. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair, steam or other vessels, from time to time, to ply on the lakes, rivers and canals of this Province in connection with the said railway; and also to 50 make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Power to ac-  
quire land, for  
warehouses,

8. The company shall have power to purchase and hold such land as may be required at each extremity of the said railway. 55

for the purpose of building thereon, storehouses, warehouses, engine houses and other erections for the uses of the company, and the same or portions thereof, in their discretion, to sell or convey, and also to make use for the purpose of said railway, of any stream or watercourse at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

9. The company may receive from any Government, or from any persons or bodies corporate or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

10. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

11. (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing or maintaining the said railway.

(2) When estimating the damages for the taking of gravel, sand, stone, or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.



Power to acquire  
land than re-

Rev. Stat. c.  
170.

Power to elect  
directors.

Powers of  
Provisional  
Directors.

Rev. Stat. c.  
170.

board.

Capital stock.

Rev. Stat.  
170.

12. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for right of way for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or parts thereof from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. 5 10

13. The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such, until the first election of directors under this Act. 15

14. The said board of provisional directors shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Sault Ste. Marie, or at such other place as may best suit the interest of the said company. 20 25 30 35 40 45

15. The capital of the company hereby incorporated shall be \$3,000,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into thirty thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing 50



and maintaining of the said railway, and to the other purposes of this Act

**16.** When, and as soon as shares to the amount of \$ First election of directors  
 in the capital stock of the company shall have been sub-  
 5 scribed, and ten per centum paid thereon, into a chartered bank  
 of the Dominion, having an office in the Province of Ontario,  
 to the credit of the company, and which shall, on no account,  
 be withdrawn therefrom unless for the services of the com-  
 pany, the provisional directors, or a majority of them present,  
 10 at a meeting duly called for the purpose, shall call a general  
 meeting of the shareholders, for the purpose of electing direc-  
 tors of the said company, giving at least four weeks' notice by  
 advertisement in the *Ontario Gazette*, and in one or more  
 newspapers published in the said town of Sault Ste. Marie, of  
 15 the time, place and purpose of said meeting.

**17.** At such general meeting the shareholders present who Number of directors.  
 shall have paid up ten per centum on their shares with such  
 proxies as may be present, shall elect not less than five, and  
 not more than nine persons, as hereinafter mentioned, to be  
 20 directors of the said company, (of whom a majority shall be a  
 quorum), and may also pass such rules, regulations, and by-  
 laws as may be deemed expedient, provided they be not incon-  
 sistent with this Act, and *The Railway Act of Ontario*. Rev. Stat. c. 170.

**18.** No person shall be qualified to be elected as such direc- Qualification of directors.  
 25 tor by the shareholders unless he be a shareholder holding at  
 least ten shares of stock in the said company, and unless he  
 has paid up all calls thereon.

**19.** Thereafter the general annual meeting of the share- Annual meeting.  
 holders of the company shall be held in such place in the  
 30 said town of Sault Ste. Marie, or in such other place, and on  
 such days, and at such hours as may be directed by the by-  
 laws of the company; and public notice thereof shall be given  
 at least four weeks previously in the *Ontario Gazette*, and  
 once a week in one newspaper published in the said town of  
 35 Sault Ste. Marie during the four weeks preceding the week in  
 which such meeting is to be held.

**20.** Special general meetings of the shareholders of the Special meetings.  
 company may be held at such place, and at such times, and in  
 such manner, and for such purposes as may be provided by the  
 40 by-laws of the company, and upon such notice as is provided  
 in the last preceding section.

**21.** The directors may, from time to time, make calls as Calls.  
 they shall think fit, provided that no call shall be made at any  
 one time of more than ten per centum of the amount subscribed  
 45 by each shareholder, and thirty day's notice shall be given of  
 each call as provided in section 16 of this Act.

**22.** Aliens and companies incorporated abroad, as well as Rights of aliens.  
 British subjects and corporations, may be shareholders in the  
 company, and all such shareholders, whether resident in  
 50 this Province or elsewhere, shall be entitled to vote on their  
 shares equally with British subjects, and shall also be eligible  
 to office as directors in the company.

Issue of  
bonds.

**23.** The directors of the company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the company, and countersigned by the secretary, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid: provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$25,000 per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the company all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary or the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Form of  
bonds.

**24.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Power to  
mortgage  
bonds.

**25.** The company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which, under the powers of this Act, can be issued for the construction of the railway or otherwise.

Power to  
mortgage  
elevators and  
mines.

**26.** The company may mortgage or pledge their elevators and mines for such sums as they may require to borrow on account of same, and to redeem and re-mortgage the same as they shall deem advisable.

Transfer of  
shares.

**27.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Negotiable  
instruments.

**28.** The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of

the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

**29.** The company may enter into an agreement with the Canadian Pacific Railway Company, the Grand Trunk Railway Company, or any other railway company now operated or authorized to be built or operated or which shall hereafter be so authorized to be built and operated in the district of Algoma or north thereof in the Province of Ontario, if lawfully authorized to enter into such arrangements, for conveying or leasing to either of such companies the railway of the company hereby incorporated in whole or in part or any rights or powers acquired under this Act, as also the surveys, plans, work, plant, material, machinery, and other property to it belonging, or for an amalgamation with any of such companies on such terms and conditions as are agreed upon and subject to such restrictions as to the directors may seem fit.

Power to make agreements with other companies in Canada.

**30.** The company may enter into agreements with any railway company owning or constructing or in possession of a railway in the State of Michigan connecting directly or by bridge or ferry with its road for the use by either of the road of the other: provided that every such agreement authorized by this or the preceding section shall be first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose considering the same, at which meeting shareholders representing at least two-thirds in value of the stock subscribed are present in person or represented by proxy, and that it has also been approved by the Lieutenant-Governor in Council, such approval shall not be signified until after notice of the proposed application therefor has been published in the *Ontario Gazette* for two months previously to the time therein named for the making of such application, and also for a like period in one newspaper in each of the counties and districts through which the railway of the company hereby incorporated runs and in which a newspaper is published, but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Agreements with companies in Michigan.

Proviso.

**31.** The company may have full power to acquire the right to use or running powers over the bridge across the St. Mary's river so as to connect its railway with other railways on such terms as may be agreed upon: provided that the contracts or agreements in respect thereof shall be approved of by two-thirds of the shareholders voting either in person or by proxy at any special meeting called for that purpose.

Running powers over St. Mary's River bridge.  
Proviso.



Telephone and  
telegraph  
lines.

Rev. Stat. c.  
158.

Power to  
erect snow  
fences.

Proviso.

Form of con-  
veyance.

Rev. Stat. c.  
170, incor-  
porated.

Time for com-  
mencement  
and comple-  
tion of line.

**32.** The company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by *The Act Respecting Electric Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887,) are hereby conferred upon the said company. 5

**33.** The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following. 10 15

**34.** Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. 20 25 30

**35.** The several clauses of *The Railway Act of Ontario* shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except, only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said *Railway Act* so incorporated with this Act. 35

**36.** The said railway shall be commenced within three years and completed within ten years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. 40

## SCHEDULE A.

(Section 34.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Sault Ste. Marie and Hudson Bay Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land. (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said Sault Ste. Marie and Hudson Bay Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals)  
this day of 18 .

Signed, sealed and delivered }  
in the presence of }  
2-13

[L.S.]



No. 13.

4th Session, 6th Legislature, 33 Vic., 1890.

BILL.

An Act to Incorporate the Sault Ste. Marie  
and Hudson Bay Railway Company

First Reading

1890.

(Private Bill)

John A.

Proprietor.

Printed and Sold by the Government Printer.

An Act to Incorporate the Sault Ste. Marie and  
Hudson's Bay Railway Company.

**W**HEREAS a petition has been presented praying for the Preamble.  
incorporation of a company to construct and operate a  
railway ~~and~~ from a point in or near the town of Sault Ste.  
Marie, in the district of Algoma, to Moose Factory, or to some  
other point on James' Bay, in the province of Ontario; ~~and~~  
whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Joseph Cozens, Robert Davey Perry, John G. Stradley, Incorporation,  
Theodore Weld Burdick, Joseph Hall *Steere*, John Alexander  
McDonald, William McKaill Bell, Wemys McKenzie Simpson  
and John McKay, together with such other persons and corpora-  
tions as shall, in pursuance of this Act, become shareholders in  
the company hereby incorporated, shall be and are hereby con-  
stituted a body corporate and politic, by and under the name  
of "The Sault Ste. Marie and Hudson's Bay Railway Company,"  
hereinafter called "the company."

2. The head office of the company shall be in the town of Head Office.  
Sault Ste. Marie, in the District of Algoma, in the Province of  
Ontario

3. The company shall have full power and authority to Location  
lay out, construct, equip and operate a line of railway of the of line.  
gauge of four feet eight and one-half inches in width from a  
point in or near the town of Sault Ste. Marie, in the District  
of Algoma, to a point on a line of the Canadian Pacific Rail-  
way between *Missinabie* station and Ridout station, thence  
northerly and easterly to Moose Factory or some other point  
on James' Bay in the Province of Ontario, with full power to  
pass over any portion of the country between the points afore-  
said and to carry their railway through Crown lands, if any,  
lying between the points aforesaid.

4. The company is hereby authorized and empowered Power to  
to take and make the surveys and levels of the land through construct  
which the said railway is to pass, together with the map or plan railway in  
thereof, and of its course and direction, and of the lands in- sections.  
tended to be passed over and taken therefor, so far as then  
ascertained, and also the book of reference for the railway, and  
to deposit the same as required by the clauses of *The Railway* Rev. stat.,  
*Act of Ontario*, and amendments thereto with respect to "plans c. 170.  
and surveys," by sections or portions less than the length of the

whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act*, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act*, and the amendments thereof, with respect to "plans and surveys."

Power to purchase, wharves, etc.

5. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages, and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers, and other erections, for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage and other charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease, or convey; and shall also have full power to connect any of the works herein mentioned with any point on the railway or its branches by means of any line or lines of railway for such purposes.

Power to own and control vessels in connection with railway.

6. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair, steam or other vessels, from time to time, to ply on the lakes, rivers and canals of this Province in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Power to acquire land, for warehouses, etc.

7. The company shall have power to purchase and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon, storehouses, warehouses, engine houses and other erections for the uses of the company, and the same or portions thereof, in their discretion, to sell or convey, and also to make use for the purpose of said railway,

of any stream or watercourse at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

8. The company may receive from any Government, or from any persons or bodies corporate, *municipal* or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company

9. Any municipality through which the said railway may pass, or is situate, is empowered to grant by way of gift to the company, any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Grants of land.

10. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring gravel, etc., for construction of railway. Rev. stat. c. 170.

11. (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times Sidings to gravel pits, etc. Rev. stat. c. 170.



be exercised and used in all respects, after the railway is constructed, for the purpose of repairing or maintaining the said railway.

Rev. stat.,  
c. 170, sec.  
20 (9), not to  
apply.

(2) When estimating the damages for the taking of gravel, sand, stone, or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Power to ac-  
quire more  
land than re-  
quired for  
railway.

**12.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or parts thereof from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c.  
170.

Provisional  
directors.

**13.** The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such, until the first election of directors under this Act.

Powers of  
Provisional  
Directors.

**14.** The said board of provisional directors shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Sault Ste. Marie, or at such other place as may best suit the interest of the said company.

Rev. Stat. c.  
170.

Meetings of  
board.

Capital stock.

**15.** The capital stock of the company hereby incorporated shall be \$3,000,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into

Rev. Stat. c.  
170.



thirty thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

**16.** When, and as soon as shares to the amount of \$100,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into *some* chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the said town of Sault Ste. Marie, of the time, place and purpose of said meeting.

First election  
of directors.

**17.** At such general meeting the shareholders present who shall have paid up ten per centum on their shares with such proxies as may be present, shall elect not less than five, and not more than nine persons, as hereinafter mentioned, to be directors of the said company, (of whom a majority shall be a quorum), and may also pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and *The Railway Act of Ontario*.

Number of  
directors.

Rev. Stat. c.  
170.

**18.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Qualification  
of directors.

**19.** Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the said town of Sault Ste. Marie, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said town of Sault Ste. Marie during the four weeks preceding the week in which such meeting is to be held.

Annual  
meeting.

**20.** Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Special  
meetings.

**21.** The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty day's notice shall be given of each call as provided in section 19 of this Act.

Calls.

Rights of  
aliens.

**22.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Issue of  
bonds.

**23.** The directors of the company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the company, and countersigned by the secretary, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid: provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$25,000 per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the company all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary or the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Form of  
bonds.

**24.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Power to  
mortgage  
bonds.

**25.** The company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which, under the powers of this Act, can be issued for the construction of the railway or otherwise.

Transfer of  
shares.

**26.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Negotiable  
instruments.

**27.** The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-

president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

**28.** The company may enter into agreements with the Canadian Pacific Railway Company, or the Grand Trunk Railway Company for conveying or leasing to either of such companies the railway of the company hereby incorporated in whole or in part or any rights or powers acquired under this Act, as also the surveys, plans, work, plant, material, machinery, and other property to it belonging, or for an amalgamation with any of such companies on such terms and conditions as are agreed upon and subject to such restrictions as to the directors may seem fit.

Power to make agreements with other companies in Canada.

**29.** The company may enter into agreements with any railway company owning or *controlling* or in possession of a railway in the State of Michigan connecting directly or by bridge or ferry with its road for the use by either of the road of the other: provided that every such agreement authorized by this or the preceding section shall be first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock subscribed are present in person or represented by proxy, and that it has also been approved by the Lieutenant-Governor in Council, such approval shall not be signified until after notice of the proposed application therefor has been published in the *Ontario Gazette* for two months previously to the time therein named for the making of such application, and also for a like period in one newspaper in each of the counties and districts through which the railway of the company hereby incorporated runs and in which a newspaper is published, but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Agreements with companies in Michigan.

Proviso.

**30.** The company may have full power to acquire the right to use or running powers over the bridge across the St. Mary's river so as to connect its railway with other railways on such terms as may be agreed upon: provided that the contracts or agreements in respect thereof shall be approved of by two-thirds of the shareholders voting either in person or by proxy at any special *general* meeting called for that purpose.

Running powers over St. Mary's River bridge.

Proviso.

**31.** The company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting

Telephone and telegraph lines.



the said telephone and telegraph lines, the powers conferred upon telegraph companies by *The Act Respecting Electric Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887,) are hereby conferred upon the said company.

Power to  
erect snow  
fences.

**32.** The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Proviso.

Form of conveyance.

**33.** Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Rev. Stat. c.  
170, incorporated.

**34.** The several clauses of *The Railway Act of Ontario and of every Act in amendment thereof*, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except, only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said *Railway Act and of every Act in amendment thereof* so incorporated with this Act.

Time for commencement and completion of line.

**35.** The said railway shall be commenced within three years and completed within ten years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

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## SCHEDULE A.

*(Section 33.)*

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of        dollars paid to me (or us) by the Sault Ste. Marie and Hudson's Bay Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of        dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land. (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said Sault Ste. Marie and Hudson's Bay Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said        do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals)  
this        day of        18    .

Signed, sealed and delivered }  
in the presence of        }  
2-13

[L.S.]



No. 13.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to Incorporate the Sault Ste. Marie  
and Hudson's Bay Railway Company.

First Reading, 19th February, 1890.

*(Reprinted as amended by Railway Com-  
mittee.)*

(Private Bill)

Mr. LYON.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 14.]

## BILL.

[1890.

An Act respecting the Toronto Street Railway Company.

**W**HEREAS the Toronto Street Railway Company has by its petition prayed for certain amendments to its Act of incorporation; and whereas it is expedient to grant the prayer of the said petition; Preamble.

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. From and after the passing of this Act the Toronto Street Railway Company shall, subject to the same restrictions and limitations as are placed and imposed upon the said company in respect of its user of the power and force of animals by the Acts relating to the said company, have, possess and enjoy the right, privilege and power to take, transport and carry passengers upon its railways by the power and force of steam, electricity, cables, machinery or other motive power. Power to use steam, electricity and cables.

2. The said company is hereby further authorized and empowered for the purposes aforesaid, or any of them, to acquire, hold, mortgage, sell, lease or otherwise dispose of any real estate, and, subject to the restrictions and limitations aforesaid, to construct, maintain and operate such railways, plant, works, buildings and machinery as are required for any or all of the purposes aforesaid. Power to acquire and hold necessary property.

No. 14.

4th Session, 6th Legislature 53 Vic, 1890.

BILL.

An Act respecting the Toronto Street Railway Company.

First Reading,	1890.
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(Private Bill.)

MR. LEYS.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.


An Act respecting the Toronto Street Railway Company.


**W**HEREAS the Toronto Street Railway Company has by its petition prayed for certain amendments to its Act of incorporation; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. From and after the passing of this Act the Toronto Street Railway Company shall, subject to the same restrictions and limitations as are placed and imposed upon the said company in respect of its user of the power and force of animals by the Acts relating to the said company, have, possess and enjoy the right, privilege and power to take, transport and carry passengers upon its railways by the power and force of steam, electricity, cables, machinery or other motive power. Power to use steam, electricity and cables.

2. The said company is hereby further authorized and empowered for the purposes aforesaid, or any of them, to acquire, hold, mortgage, sell, lease or otherwise dispose of any real estate, and, subject to the restrictions and limitations aforesaid, to construct, maintain and operate such railways, plant, works, buildings and machinery as are required for any or all of the purposes aforesaid. Power to acquire and hold necessary property.

 3.—(1) The powers by this Act conferred, shall not be exercised until after the consent and authority of the city of Toronto shall first have been had, and obtained thereto, and the said city is hereby authorized and empowered to give such consent and authority upon such terms and conditions as may be agreed upon between the said city and the said company. Powers under Act not to be exercised without consent of city

(2) No power by this Act conferred on the company nor any property acquired by the company hereunder, shall be considered an asset of this company or be taken into account, in arriving at the value of the property of the said company in the arbitration between the city and the company provided for in the 18th resolution recited in the agreement between the said city and one Easton on the 26th day of March, A.D., 1861.  Power and property acquired under Act not to be deemed assets.



No. 14.

4th Session, 6th Legislature 53 Vic., 1890.

BILL.

An Act respecting the Toronto Street  
Railway Company.

First Reading, 25th February, 1890.

*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

Mr LEYS.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting the Hamilton Gas Light Company.

**W**HEREAS the Hamilton Gas Light Company, have by Preamble.  
 their petition, prayed to have their borrowing powers  
 extended, and for certain other amendments to their Act of  
 incorporation; and whereas it is expedient to grant the prayer  
 5 of the said petition;

Therefore Her Majesty, by and with the advice and con-  
 sent of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:—

**1.** Sections 3, 4 and 40 of the Act incorporating the 13 & 14 Vic.  
 10 company, intituled "*An Act to Incorporate the Hamilton* c. 136, ss. 3, 4  
*Gas Light Company*," passed in the session held in the and 40 re-  
 thirteenth and fourteenth years of Her Majesty's reign,  
 chaptered 136, are hereby repealed.

**2.** It shall be lawful for the Hamilton Gas Light Company Borrowing  
 15 to borrow on debentures or bonds, either without security or powers.  
 secured by mortgage, or other real or personal security, any  
 sum or sums, not exceeding in the whole, \$200,000, at such  
 rate of interest, and upon such terms and conditions as the  
 company may deem advisable, and, if so agreed, to secure the  
 20 moneys so borrowed as the company may determine on all, or  
 any part of their estate, real or personal property or both, and  
 all moneys so borrowed or raised, shall be applied to the pur-  
 poses of the company, and if after having borrowed the whole  
 or any part of such money, the company pay off the same, or  
 25 any portion thereof, it shall be lawful for the company again  
 to borrow the amount so paid off, and so on from time to time.  
 to borrow or re-pay as occasion shall require: Provided that Proviso.  
 the total indebtedness of the company for moneys borrowed  
 under this clause, shall not at any one time exceed the sum of  
 30 \$200,000: Provided always that the consent of three-fourths Proviso.  
 in value, of the stock-holders of the company, present or  
 represented by proxy, at a special meeting to be called and  
 held for that purpose, shall be obtained before the powers  
 authorised by this section are exercised.

**3.** The bonds or debentures authorised to be issued either Bonds and  
 35 with or without security as aforesaid, shall be personal estate, debentures to  
 and shall rank and be entitled to be paid proportionately to be personalty.  
 the amounts secured thereby, and no bond or debenture shall  
 have priority or preference over another, by reason of the  
 40 priority of the date of any such bond or issue, or of the meet-  
 ing at which the same was authorised or otherwise howsoever,  
 and such bonds or debentures shall be in such form and pay-  
 able to bearer, or otherwise at such date or dates and with or  
 without interest, as the directors may determine from time to

Proviso. time: Provided further, that notwithstanding the said mortgage and charge (if any) the company may, so long as there shall be no default in payment of the interest upon any of such borrowed money, sell any surplus lands or other property of the company, not then required for the use of the company and give a good title thereto to the purchaser or purchasers thereof, free from all incumbrance in respect of the money so borrowed, and may apply the proceeds of such sale to the purposes of the company, and in the event of a mortgage being given to any trustee or trustees to secure the payment of said bonds or debentures, such trustees, shall, if required by the company, join in the conveyance of the said surplus lands or other property to the purchaser or purchasers thereof, for the purpose of releasing the same from said mortgage. 5 10 15

Annual value  
of realty not to  
exceed  
\$10,000.

4. The total yearly value of the lands and real property to be held by the company, for the purpose of its business at any one time shall not (over and above the value of the works erected thereon) exceed \$10,000.





4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the Hamilton Gas Light  
Company.

First Reading,	1890.
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(Private Bill).

Mr. AWREY.

An Act respecting By-law 168 of the Village  
of Norwich.

**W**HEREAS the corporation of the village of Norwich, Preamble.  
by their petition have represented that, on the 3rd  
day of June, 1889, they did pass a certain by-law numbered  
168, after the said by-law had been duly approved of by the  
5 ratepayers; that said by-law was passed to raise the sum of  
\$1,700 by the issue of debentures in order to aid and assist a  
general pickling and preserving business and erecting a building  
for said purpose in the village of Norwich; and whereas  
doubts have arisen as to the validity of the said by-law; and  
10 whereas the said corporation have by their said petition prayed  
for the passing of an Act to confirm the said by-law; and  
whereas it is expedient to grant the prayer of the said petition;  
Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
15 as follows:—

1. The said by-law number 168, of the corporation, of the By-law No. 168, confirmed  
village of Norwich, which said by-law is set out in the  
schedule to this Act, is hereby confirmed and declared legal  
and valid from the time of the passing thereof to all intents  
20 and purposes and the debentures issued or to be issued under  
the said by-law are declared valid and binding upon the said  
corporation, of the village of Norwich, and the ratepayers Costs of pend-  
ing proceed-  
ings not to be  
affected.  
thereof, notwithstanding anything in any Act to the contrary,  
but nothing in this section contained shall prejudice or affect  
25 the rights of any person or persons, corporation, party or parties  
as to the costs of any action or proceeding now pending.

SCHEDULE.

(Section 1.)

BY-LAW No. 168.

*A by-law of the Municipal Council, of the village of Norwich,  
in the county of Oxford, to raise the sum of seventeen  
hundred dollars by way of bonus to aid in carrying on  
a general pickling and preserving business and erecting  
a building for the said purpose.*

Whereas, by *The Consolidated Municipal Act of 1887*, it  
is enacted that the council of any incorporated village may  
pass by-laws granting aid by way of bonus or loan to manu-  
facturers within its limits.

And whereas the Donald Produce Company (Limited) has signified its willingness to purchase a site and erect a building thereon, within the limits of the corporation of the village of Norwich for the purpose of carrying on a general pickling and preserving business.

And whereas the Donald Produce Company (Limited) has by agreement entered into with the said municipal council which said agreement is dated the twenty-seventh day of April, 1889, and signed by D. M. Donald for the Donald Produce Company (Limited), and L. F. Bungay, reeve of the corporation of the village of Norwich, and which said agreement is herein-after referred to, has agreed to purchase the tannery lot in the said village of Norwich and erect thereon a two-story frame building seventy feet long and thirty-six feet wide and equip the said building for the purpose of carrying on the said business of pickling and preserving on or before the first day of October, 1889, and will continue to carry on the said business for the term of ten years providing this corporation grant the said company a bonus of seventeen hundred dollars and exemption from taxation for ten years upon the said property.

And whereas the municipal council, of the village of Norwich, desires to grant aid by way of a bonus to the Donald Produce Company (Limited), to the extent of seventeen hundred dollars for the erection of the said building, purchasing the said lot and carrying on the said business and exempt the said company from taxation as described in the agreement hereinbefore referred to.

And whereas to carry out the said recited object it will be necessary for the said corporation, of the village of Norwich, to raise by way of bonus the sum of seventeen hundred dollars by issuing debentures of the said corporation to the extent of seventeen hundred dollars payable twenty years from the date when this by-law shall take effect, and to provide for the payment of the said debentures and interest thereon by levying a special rate on all the ratable property within this corporation.

And whereas the said municipal council, of the village of Norwich, will require to be raised each year during the continuance of the said term of twenty years in addition to all other rates, as follows: for paying the interest on the said debentures the sum of eighty-five dollars and for paying the principal and forming a sinking fund for the payment of the said debentures the sum of fifty-eight dollars commencing with the year one thousand eight hundred and eighty-nine and ending with the year nineteen hundred and eight.

And whereas the annual special rates to be levied and collected each and every year during the continuance of the said term of twenty years by the said municipal council and commencing with the year one thousand eight hundred and eighty-nine and ending with the year one thousand nine hundred and eight in addition to all other rates on all the ratable property within the corporation of the village of Norwich, will be as follows: for paying the interest on the debentures a rate of twenty-six and one hundredth of a mill on the dollar and for paying the principal sum of seventeen hundred dollars and forming a sinking fund for the payment of the said amount a rate of eighteen one-hundredths of a mill on the dollar.

And whereas the amount of the whole ratable property of the corporation of the said village of Norwich, irrespective of

any further increase of the same, according to the last revised and equalized assessment roll of the said municipality, being for the year one thousand eight hundred and eighty-eight, is the sum of three hundred and twenty-five thousand eight hundred and sixty-five dollars.

And whereas the present indebtedness of the said corporation of the village of Norwich, is as near as may be for principal the sum of five thousand seven hundred and forty-two dollars and for interest the sum of three thousand three hundred and one dollars, and of which no part or portion for principal or interest is in arrears, and whereas a portion of the said indebtedness is on account of the construction of the Port Dover and Lake Huron Railway and the Norfolk Railway and which indebtedness was contracted by the township of North Norwich at which time the corporation of the village of Norwich formed a part of the said township.

Therefore the municipal council, of the village of Norwich, enacts as follows:—

1. That it shall be lawful for the said municipality, of the village of Norwich, to grant aid by way of bonus to the Donald Produce Company (Limited), the sum of seventeen hundred dollars in consideration of the said the Donald Produce Company (Limited), purchasing the tannery lot, erecting a building on the said lot and carrying on the manufacture of pickles and preserves within the said building for the term of ten years and otherwise fulfilling and carrying out the conditions of the agreement made between the Donald Produce Company (Limited), and the corporation of the village of Norwich, which said agreement is dated the twenty-seventh day of April, A.D. 1889, and hereinbefore referred to.

2. That for the purpose aforesaid it shall be lawful for the reeve or other head of the corporation of the village of Norwich to cause to be made three debentures of the said corporation two of such debentures for the sum of six hundred dollars each and one debenture for the sum of five hundred dollars and not to exceed in the whole the sum of seventeen hundred dollars and which debentures shall be payable twenty years after the date of issue which date shall be the first day of October next ensuing, at the office of the treasurer, of the village of Norwich, and shall be sealed with the seal of the corporation and signed by the reeve or other head of the corporation and countersigned by the treasurer and shall define the purpose for which they were issued.

3. And the said debentures shall bear interest at the rate of five per cent. per annum from the date of issue which interest in the form of coupons attached to the debentures shall be payable yearly from the date of issue in each succeeding year at the office of the treasurer of the said village of Norwich, the coupons shall bear date the first day of October next ensuing.

4. That for the purpose of providing for payment of the said debentures to the extent of seventeen hundred dollars and interest thereon the following special rates shall in addition to all other rates be levied and collected on all the ratable property within the said corporation in each and every year during the continuance of the said term of twenty years, commencing with the year 1889, as follows: For paying the principal sum of seventeen hundred dollars and forming a sinking fund for payment of the same a rate of eighteen one-hundredths of a mill on the dollar sufficient to raise the sum of



fifty-eight dollars and for paying the interest on the said debentures a rate of twenty-six one-hundredths of a mill on the dollar sufficient to raise the sum of eighty-five dollars in each and every year as aforesaid.

5. That this by-law shall come into force and take effect on and after the second day of July, A.D. 1889.

6. And it shall be lawful for the reeve or other head of the corporation to sell and deliver the said debentures and coupons to such person or persons as may desire to purchase the same and for such sum or sums of money as can be procured for the same and pay over the proceeds of the sale of the said debentures to the said The Donald Produce Company (Limited). If the amount be not sufficient to make up the sum of seventeen hundred dollars a further sum sufficient to make up the said amount shall be taken out of the general funds of the corporation. If the proceeds of the sale should exceed the sum of seventeen hundred dollars, then the excess shall be deposited with the treasurer of the corporation to the credit of the general fund.

7. Provided also that the said sum of seventeen hundred dollars shall not be paid over to the Donald Produce Company (Limited), until the said Company shall have carried out the agreement hereinbefore referred to to the satisfaction of the council of this corporation.

8. And a poll shall be held and the votes of the electors of the said municipality shall be taken on the by-law, on Monday the twenty-seventh day of May, A.D. 1889, commencing at the hour of nine o'clock in the forenoon and ending at five o'clock in the afternoon of the same day and no longer.

9. And the following shall be the deputy-returning officers for taking the votes at the various polling sub-divisions. viz.: For polling sub-division number one, James H. Robinson, at the town hall; for polling sub-division number two, Charles E. Boyd, at or near Henry J. Adams' harness shop; for polling sub-division number three, Thomas J. Palmer, at Merrill's office on Tidey street, all in the village of Norwich.

And the twenty-second day of May, at the Clerk's office, is fixed for the appointment by the reeve of persons to attend at the polling places and at the final summing up of the votes by the clerk of the said municipality on behalf of the persons interested in and promoting or opposing the passing of this by-law, at the hour of eight o'clock p.m., and the twenty-eighth day of May, 1889, at the hour of ten o'clock a.m. of that day, at the Clerk's office, is fixed when and where the clerk of the said corporation shall sum up the number of votes given for and against the said by-law.

Read a first and second time and in committee of the whole at the Council Chamber, Norwich, on the twenty-ninth day of April, A.D. 1889.

This by-law having received the assent of the ratepayers thereon, it was read a third time and passed. In council held in Norwich, this third day of June, A.D. 1889, and numbered 168.

L. F. BUNGAY,

*Reeve.*

WM. WALKER,

*Clerk.*

{ CORPORATE }  
SEAL.





No. 16.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting By-law 168, of the  
Village of Norwich.

First Reading,                      , 1890.

(Private Bill.)

Mr. McKAY.

TORONTO :

PRINTED BY WALKER & SONS, 68 AND 70 FRONT ST. W.

An Act to incorporate the Huron and Ontario Railway Company.

WHEREAS William J. R. Holmes, Malcolm Colin Cameron, Preamble.

Joseph Williams, Horace Horton, Isaac Francis Toms and James Thompson Garrow, of the town of Goderich, Patrick Kelly, of the village of Blyth, Frederick C. Rogers, of the village  
5 of Brussels, all in the county of Huron, and John C. Hay and Samuel Bricker, of the town of Listowel, in the county of Perth, have by their petition represented that it is desirable that a railway be constructed from the town of Goderich, in the county of Huron, through the villages of Blyth and Brussels,  
10 and the said town of Listowel, and thence to the city of Hamilton, or some intermediate point upon a railway running into the said city of Hamilton, and have prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer  
15 of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William J. R. Holmes, Malcolm Colin Cameron, Joseph  
20 Williams, Horace Horton, Isaac Francis Toms and James Thompson Garrow, of the Town of Goderich, Patrick Kelly, of the village of Blyth, Frederick C. Rogers, of the village of Brussels, all in the county of Huron, and John C. Hay and Samuel Bricker, of the town of Listowel, in the county of Perth,  
25 together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be, and are hereby constituted a body corporate and politic, by the name of the Huron and Ontario Railway Company.

2. The said company shall have full power and authority to  
30 survey, lay out, construct, complete, equip and operate a single or double line of railway from a point in the town of Goderich, in the county of Huron, through the villages of Blyth and Brussels, in the said county, and the said town of Listowel, to the said city of Hamilton, in the county of Wentworth, or to  
35 some intermediate point on a railway running into the said city of Hamilton.

3. The gauge of the said railway shall be four feet eight and  
one-half inches.

4. William J. R. Holmes, Malcolm Colin Cameron, Joseph  
40 Williams, Horace Horton, Isaac Francis Toms and James

Thompson Garrow, of the town of Goderich, Patrick Kelly, of the village of Blyth, Frederick C. Rogers, of the village of Brussels, all in the county of Huron, and John C. Hay and Samuel Bricker, of the town of Listowel, in the county of Perth, with power to add to their number, shall be, and are hereby constituted, a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of  
provisional  
directors.

Rev. Stat.  
c. 170.

Meeting of  
provisional  
directors,  
where held.

Form of  
conveyance.

Subscriptions  
not binding  
until approved  
and ten per  
cent. paid.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada, having an office in the Province of Ontario, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Goderich, or at such other place as may best suit the interest of the said company.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A. hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

7. No subscription for stock in the capital of the company shall be binding on the said company, unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

8. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

9. The capital stock of the company hereby incorporated shall be \$250,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into ten thousand five hundred shares of \$250 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorised; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorise the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

10. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the town of Goderich, in the said county of Huron, of the time, place and purpose of said meeting.

11. At such general meeting, the shareholders present who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

12. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount

Aid to company.

Capital stock.

Rev. Stat., c. 170.

First election of directors.

Number of directors and quorum

Rev. Stat., c. 170.

Qualification of directors.

Calls.



subscribed by each shareholder, and thirty days notice shall be given of each call, as provided in section 10 of this Act.

Certain payments may be made in bonds or stock.

14. The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Annual meetings.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the town of Goderich, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Goderich, during the four weeks preceding the week in which such meeting is to be held.

Special meetings.

16. Special general meetings of the shareholders of the said company, may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses, to railways.

Proviso.

Provisions as to bonus by-laws.

18. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely :

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of

fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act*. Rev. Stat., c. 184.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, as aforesaid. Rev. Stat., c. 184.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

19. Such by-law shall in each instance provide :

By-law, what to contain.

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorised to execute and issue in such cases respectively.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law, so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

"Minor municipality,"  
meaning of.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Deposit for  
expenses.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. 5

If by law carried,  
council to pass same,

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then, within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. 10

and issue  
debentures.

24. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law and deliver the same, duly executed to the trustees appointed, or to be appointed, under this Act' 15

Levying rate  
on portion of a  
municipality.

25. In case any such loan, guarantee or bonus be so granted by a portion of the township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. 20

Application of  
Municipal  
Acts as to by-  
laws.

26. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. 25

Extension of  
time for com-  
mencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year. 30

Extension of  
time for com-  
pletion.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time. 35 40

Rate not ex-  
ceeding three  
cents in the  
dollar valued.

29. Any municipality, or portion of a township municipality' interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein. 45 50

30. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its  
 5 property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation  
 10 may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption  
from taxation.

31. Any municipality through which the said railway may  
 15 pass, or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway  
 20 company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of  
land.

32. Whenever it shall be necessary for the purpose of pro-  
 25 curing sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by  
 30 purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses  
 35 of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole  
lots.

Rev. Stat. c.  
170.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the pur-  
 40 chase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same  
 45 effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or  
 50 who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall  
 55 think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring  
gravel, etc.,  
for the construction and  
maintenance  
of railway.

Rev. Stat. c.  
170.



Sidings to  
gravel pits.

Rev. Stat. c.  
170

**34.** (1) When said gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands in which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of "*The Railway Act of Ontario*," shall not apply.

Trustees of  
debentures.

**35.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall, be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of  
proceeds of  
debentures.

**36.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "*The Huron and Ontario Railway Municipal Trust Account*," and to pay the same out to the said company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or



order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

**37.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

**38.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata, with all the other holders thereof upon the undertaking and property of the company as aforesaid; Issue of bonds.  
**Provided,** however, that the whole amount of such issue of bonds shall not exceed in all, the sum of \$20,000 per mile, and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; Proviso.  
**Provided further,** that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Proviso.

**39.** All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Transfer of bonds.

**40.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued Negotiable instruments.

without the sanction and authority of the directors as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. 5

**Pledging bonds.** 41. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway. 10

**Agreements with other companies for lease of rolling stock.** 42. It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such an agreement—person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other movable property of the other or others of them, on such terms, as to compensation and otherwise, as may be agreed upon. 15 20

**Agreements for connection with other companies.** 43. The said company shall have power to agree for connections and make running arrangements with any incorporated railway company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with the said railway company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of their railway or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either, or of both or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. 25 30 35 40 45

**Telegraph lines.** 44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887), are hereby conferred upon the said company. 50 55

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their 5 shares equally with British subjects, and shall also be eligible to office as directors in the said company.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates, issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company.

47. The company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

49. The said railway shall be commenced within three years, and completed within six years from the passing of this Act.

## SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name of the vendors*) in consideration of                      dollars paid to me (or us) by the Huron and Ontario Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name of any other party or parties*) in consideration of                      dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels) (*as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Huron and Ontario Railway Company, their successors and assigns for

ever (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)  
this                      day of                      18   .

Signed, sealed and delivered }                      { L. S. }  
in the presence of                      }

## SCHEDULE B.

(*Section 36.*)

### CHIEF ENGINEER'S DEPARTMENT.

#### THE HURON AND ONTARIO RAILWAY COMPANY'S OFFICE.

No.                      *Engineer's Department,*                      A.D. 189 .

Certificate to be attached to cheques drawn on the Huron and Ontario Railway Company Municipal Trust Account, given under section                      chapter                      of the Acts of the Legislature of Ontario, passed in the                      year of Her Majesty's reign.

I,                      Chief Engineer of the Huron and Ontario Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.                      of the township of                      (*or under the agreement dated the                      day of                      between the corporation of                      and the said company*) to entitle the said company to receive from the said trust the sum of                      (*here set out the terms and conditions, if any, which have been fulfilled.*)





No. 17.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to Incorporate the Huron and  
Ontario Railway Company.

First Reading,	1890.
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(Private Bill.)







MR. A. M. ROSS.

TORONTO:



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
## An Act to incorporate the Huron and Ontario Railway Company.

**WHEREAS** William J. R. Holmes, Malcolm Colin Cameron, Preamble.

Joseph Williams, Horace Horton, Isaac Francis Toms and James Thompson Garrow, of the town of Goderich, Patrick Kelly, of the village of Blyth, Frederick C. Rogers, of the village of Brussels,  William Milne, of the township of Grey,  all in the county of Huron, and John C. Hay and Samuel Bricker, of the town of Listowel, in the county of Perth, have by their petition represented that it is desirable that a railway be constructed from the town of Goderich, in the county of Huron, through the villages of Blyth and Brussels, and the said town of Listowel, and thence to the city of Hamilton, or some intermediate point upon  any line of  railway running  through either of the counties of Waterloo, Wellington, Wentworth and Halton  into the said city of Hamilton, and have prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition:



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** William J. R. Holmes, Malcolm Colin Cameron, Joseph Williams, Horace Horton, Isaac Francis Toms and James Thompson Garrow, of the Town of Goderich, Patrick Kelly, of the village of Blyth, Frederick C. Rogers, of the village of Brussels,  William Milne, of the township of Grey,  all in the county of Huron, and John C. Hay and Samuel Bricker, of the town of Listowel, in the county of Perth, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be, and are hereby constituted a body corporate and politic, by the name of the Huron and Ontario Railway Company. Incorporation.

**2.** The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a single or double line of railway from a point in the town of Goderich, in the county of Huron, through the villages of Blyth and Brussels, in the said county, and the said town of Listowel, to the said city of Hamilton, in the county of Wentworth, or to some intermediate point on  any line of railway running through either of the counties of Waterloo, Wellington, Wentworth and Halton  into the said city of Hamilton. Location of line.

**3.** The gauge of the said railway shall be four feet eight and one-half inches. Gauge of railway.

**4.** William J. R. Holmes, Malcolm Colin Cameron, Joseph Williams, Horace Horton, Isaac Francis Toms and James Provisional directors.

Thompson Garrow, of the town of Goderich, Patrick Kelly, of the village of Blyth, Frederick C. Rogers, of the village of Brussels,  William Milne, of the township of Grey,  all in the county of Huron, and John C. Hay and Samuel Bricker, of the town of Listowel, in the county of Perth, with power to add to their number, shall be, and are hereby constituted, a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

Rev. Stat. c. 170.

Meeting of provisional directors, where held.

Form of conveyance.

Subscriptions not binding until approved and ten per cent. paid.

Aid to company.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Goderich, or at such other place as may best suit the interest of the said company.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A. hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

7. No subscription for stock in the capital of the company shall be binding on the said company, unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

8. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who

may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

9. The capital stock of the company hereby incorporated shall be \$250,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into two thousand five hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorised; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorise the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

Capital stock.

Rev. Stat., c. 170.

10. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon, into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the town of Goderich, in the said county of Huron, of the time, place and purpose of said meeting.

First election of directors.

11. At such general meeting, the shareholders present who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Number of directors and quorum.

Rev. Stat., c. 170.

12. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Qualification of directors.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at

Calls.



any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call, as provided in section 10 of this Act.

Certain payments may be made in bonds or stock.

**14.** The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Annual meetings.

**15.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the town of Goderich, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Goderich, during the four weeks preceding the week in which such meeting is to be held

Special meetings.

**16.** Special general meetings of the shareholders of the said company, may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities

**17.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses, to railways.

Proviso.

Provisions as to bonus by-laws.

**18.** Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely :

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of



fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act*. Rev. Stat., c. 184.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, as aforesaid. Rev. Stat., c. 184.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

**19. Such by-law shall in each instance provide :**

**By-law, what to contain.**

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorised to execute and issue in such cases respectively.

**20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law, so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.** Provisions for referring to arbitration disputes as to bonus by-laws.

"Minor municipality,"  
meaning of.

**21.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Deposit for  
expenses.

**22.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried,  
council to pass same,

**23.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then, within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

and issue  
debentures.

**24.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Levying rate  
on portion of a  
municipality.

**25.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of  
Municipal  
Acts as to by-  
laws.

**26.** The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Extension of  
time for com-  
mencement.

**27.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extension of  
time for com-  
pletion.

**28.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not ex-  
ceeding three  
cents in the  
dollar valid.

**29.** Any municipality, or portion of a township municipality, interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

**30.** It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption  
from taxation.

**31.** Any municipality through which the said railway may pass, or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of  
land.

**32.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole  
lots.

Rev. Stat. c.  
170.

**33.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring  
gravel, etc.,  
for the construction and  
maintenance  
of railway.

Rev. Stat. c.  
170.



Sidings to  
gravel pits.

Rev. Stat. c.  
170

**34.** (1) When said gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of "*The Railway Act of Ontario*," shall not apply.

Trustees of  
debentures.

**35.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall, be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of  
proceeds of  
debentures.

**36.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "*The Huron and Ontario Railway Municipal Trust Account*," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or

order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

37. The trustees shall be entitled to their reasonable fees Fees to trustees. and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

38. The directors of the said company, after the sanction Issue of bonds. of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata, with all the other holders thereof upon the undertaking and property of the company as aforesaid; Provided. Provided, however, that the whole amount of such issue of bonds shall not exceed in all, the sum of \$20,000 per mile, and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; Provided. Provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

39. All such bonds, debentures, and other securities and Transfer of bonds. coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

40. The said company shall have power and authority to Negotiable instruments. become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued



Proviso.

without the sanction and authority of the directors as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Pledging bonds.

41. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements with other companies for lease of rolling stock.

42. It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such an agreement—person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other movable property of the other or others of them, on such terms, as to compensation and otherwise, as may be agreed upon.

Agreements for connection with other companies.

43. The said company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company and the Grand Trunk Railway Company, or either of them, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with either or both of said railway companies for the sale or leasing or hiring of any portion of their railway or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either, or of both or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Telegraph lines.



44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887), are hereby conferred upon the said company.

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. Rights of aliens.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates, issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

47. The company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power to hold additional property.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Power to collect back charges on goods.

49.  The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.  Railway Act incorporated.

50. The said railway shall be commenced within three years, and completed within six years from the passing of this Act. Commencement and completion of railway.

## SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name of the vendors) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the Huron and Ontario Railway Company, the receipt whereof is hereby acknowledged, do grant and

convey unto the said company, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels) (*as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Huron and Ontario Railway Company, their successors and assigns for ever (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this            day of            18   .

Signed, sealed and delivered    }                            { L. S. }  
in the presence of                    }

## SCHEDULE B.

(Section 36.)

CHIEF ENGINEER'S  CERTIFICATE. 

THE HURON AND ONTARIO RAILWAY COMPANY'S OFFICE.

No.            *Engineer's Department,*            A.D. 189 .

Certificate to be attached to cheques drawn on the Huron and Ontario Railway Company Municipal Trust Account, given under section       chapter       of the Acts of the Legislature of Ontario, passed in the       year of Her Majesty's reign.

I,            Chief Engineer of the Huron and Ontario Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.       of the township of       (or under the agreement dated the       day of       between the corporation of       and the said company) to entitle the said company to receive from the said trust the sum of       (*here set out the terms and conditions, if any, which have been fulfilled.*)



No. 17.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to Incorporate the Huron and  
Ontario Railway Company.

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First Reading, 20th February, 1890.

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*(Reprinted as amended by Railway  
Committee.)*

(Private Bill.)

Mr. Ross,  
*(Huron.)*

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act respecting the Hamilton and Dundas Street  
Railway Company.

WHEREAS the Hamilton and Dundas Street Railway Company have petitioned for an Act to readjust their capital account and for other changes in their corporate powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Hamilton and Dundas Street Railway Company are hereby authorized and empowered to re-locate and re-build their line of railway, or any part thereof, and to build spurs or deviations from their present line, in such a way that the re-built and re-located portion or such spurs or deviations may be used as a railway, giving the town of Dundas and any particular factory or establishment therein connection with the line of any existing railway, or with any railway hereafter to be constructed, the line of which passes through or near the said city of Hamilton; provided that the said company shall not be required to confine their tramway service to the said line as re-located, but may continue the occupation of their present location in the city of Hamilton, and may use any deviated or spur line making the connection as aforesaid for all the purposes of the said company, or for freight purposes only as they may see fit.

Power to re-locate line of railway.

Proviso.

2. The re-location, deviation or spur lines to be constructed under the authority of this Act within the corporate limits of the city of Hamilton or the town of Dundas, except in so far as the same may be located on property purchased or expropriated by the said company, or as the same may be carried across any existing highway, shall be with the consent of the said city or town corporations respectively.

Consent of municipalities required.

3. The company may sell and convey any lands no longer required for the use of the company by reason of any such deviation or re-location free and clear from all or any liens or charges in favour of any bond or debenture stockholders.

Power to dispose of lands not required for use of company.

4. The company are hereby authorized to call in, cancel and revoke their present issue of bonds, being the issue of \$68,000 authorized by section 4 of the Act passed in the forty-ninth year of Her Majesty's reign, chaptered 68, and also to call in, cancel and revoke the issue of preference stock now outstanding to the extent of \$20,000, also the issue of the common stock now outstanding, amounting to the face value of \$25,850,

Power to call in present issue of bonds and common stock.

and upon such calling in and cancellation of the said bonds, the mortgage executed to trustees for the further securing of the same shall be discharged and cease to be a charge on the undertaking and property of the said company.

Issue of debenture stock or new bonds.

5. The company are hereby authorized and empowered to make an issue of perpetual debenture stock or new bonds for such sum and in such amounts, and at such rate of interest as the shareholders of the said company may by resolution determine, not exceeding \$ , to be applied and used as herein-after provided, which said debenture stock or bonds shall be taken and considered to be the first and preferential charge or claim upon the undertaking and real property of the said company (including its rolling stock and equipments) then existing, or at any time thereafter acquired, and its rents and income, subject always to the lien of any unpaid vendor in respect of any such property, and each holder of such debenture stock or bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, property and income of the company aforesaid; provided that the present bondholders of the said company shall have given to or reserved for them as the consideration for the cancellation of their several holdings, an equivalent amount of debenture stock or bonds by this Act authorized to be issued, or the said present bondholders may, if the total issue is increased or the rate of interest is less than six per cent., demand from the company before such surrender, payment in cash at par with accrued interest for their bonds, or any of them.

Proviso.

Bonds to bear interest and be secured.

6. If the company elect to issue bonds under the last preceding section they may be made to run for any term of years which may be decided upon by the shareholders, and may bear interest from a date not more than six months prior to the date of issue, and may be secured by a mortgage to any incorporated trust company, or to three trustees of the aforesaid property of the company containing such powers, provisos and conditions as may be approved of by the shareholders of the company, but in any event the statutory lien provided for by section 5 shall continue, and provided that the execution of the said mortgage shall not interfere with the right of the said company from time to time, or in perpetuity, to lease the said railway as is hereinafter provided for.

Company may give new stock to holders of stock cancelled.

7. The company, in substitution for the said preference stock and the said common stock, may give to the holders thereof at such rate above or below par as may be agreed upon, debenture stock or bonds, part of the issue hereinbefore authorized, and they may issue a new stock to be allotted to the said preference and common shareholders or any of them, or such shareholders may be allotted in substitution, partly debenture stock or bonds and partly such new stock.

Amount of new issue and mode of allotment to be determined at general meeting.

8. The amount of such new issue of stock, and the rate at which the same is to be allotted, and the proportion of debenture stock or bonds (if issued) which are to be given in substitution to the shareholders aforesaid, shall be determined at a general meeting of both classes of shareholders to be called for that purpose, and at such meeting the said shareholders shall have a right to issue, in addition to the present face value of

- such stocks, any further sum to be fixed by the said shareholders representing the profits of the said company, which have not been divided, but which have been used in aid of capital account or the total issue on capital account, may be  
5 reduced to such sum as the said shareholders may fix; provided that the resolution of the said shareholders recording their action under the powers given by this section shall be carried by a vote of two-thirds in value of the shareholders of both classes.
- 10 **9.** The residue of the debenture stock or bonds of the said company issued under this Act shall be disposed of by the said company, or handed over to their lessees, the proceeds thereof to be used in the re-location and re-building of the said line as provided for in the first section hereof, and for the general  
15 purposes of the said company.
- 10.** The corporation of the town of Dundas may, by by-law of their council, grant to the company, and for that purpose may acquire, any land which may be required for the company for the purpose of additional right of way and for freight  
20 stations, sidings and spurs, and the said town may give the said railway such further aid in money as may be agreed upon.
- 11.** The said company may, without the consent of any municipality, lease their said railway and undertaking to any person, firm, railway, corporation or corporations, for a term of  
25 years or in perpetuity for a rental payable semi-annually, such rental to be paid either by the assumption or by the guarantee and payment of the interest dividends or coupons upon the debenture stock bonds, or stock issued or to be issued by the said company, and such lease shall vest, during its currency, all  
30 the powers of the company for the operation and working of the said road in the lessees from time to time, and may contain all the provisions which may be considered applicable to the circumstances which are set forth and contained in the schedule to the Act of the Parliament of Canada, chapter 54, passed in  
35 the forty-seventh year of Her Majesty's reign.
- 12.** The company shall have power to carry on a general freight and railway business over their said re-located line from the junction of their line with any railway or railways aforesaid to and through the said town of Dundas, and they  
40 may make any traffic arrangements they may see fit with any railway corporation or other common carrier.
- 13.** In the event of the re-location and re-building as aforesaid, the said company may, by shareholders' resolution, change their corporate name and be thereafter called and known as  
45 the Hamilton and Dundas Railway Company, and they shall thereafter be subject to all the provisions of *The Railway Act of Ontario*. Provided that that part of their said line as now constructed and located or as the location may hereafter be changed from the junction of Hannah and Queen streets, in  
50 the city of Hamilton, northward and eastward to the present terminus, shall nevertheless be operated as a tram or street railway only, and that part of the said line shall remain subject to the by-laws of, and agreement with, the corporation of the city of Hamilton.
- 14.** The corporation of the town of Dundas may alter the terms of their by-law and agreement with the company as the company and the said corporation may agree.

Residue of new issue, how disposed of.

Power to acquire land and receive aid from Dundas.

Power to lease railway and form of lease.

Power to carry on freight and general railway business.

Power to change corporate name and become subject to Railway Act.

Proviso.

Town of Dundas may alter by-law and agreement with company.

No. 19.

4th Session, 6th Legislature, 52 Vic., 1890.

BILL.

Act respecting the Hamilton and Dundas  
Street Railway Company.

First Reading, , 1890.

(Private Bill.)

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act respecting the Hamilton and Dundas Street  
Railway Company.

**W**HEREAS the Hamilton and Dundas Street Railway Company have petitioned for an Act to readjust their capital account and for other changes in their corporate powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Hamilton and Dundas Street Railway Company' when the company shall have obtained the consent in writing of all the holders of the bonds of the company, and shall have deposited such consent, verified by statutory declaration, in the office of the Provincial Secretary, are hereby authorized to call in, cancel and revoke their present issue of bonds, being the issue of \$68,000 authorized by section 4 of the Act passed in the forty-ninth year of Her Majesty's reign, chaptered 68, and also, when the company shall have obtained the consent in writing of all the holders of preferential stock of the company, and shall have deposited such consent, verified by statutory declaration in the office of the Provincial Secretary, to call in, cancel and revoke the issue of preference stock now outstanding to the extent of \$20,000, and the issue of the common stock now outstanding, amounting to the face value of \$25,850, and upon such calling in and cancellation of the said bonds, the mortgage executed to trustees for the further securing of the same shall be discharged and cease to be a charge on the undertaking and property of the said company.

Power to call  
in present  
issue of bonds  
and common  
stock.

2. When, but not until the company shall have obtained the consents in that behalf required by the preceding section of this Act, and shall have deposited the same in the office of the Provincial Secretary, the company may make an issue of perpetual debenture stock or new bonds for such sum and in such amounts, and at such rate of interest as the shareholders of the said company may by resolution determine, not exceeding \$150,000, to be applied and used as hereinafter provided, which said debenture stock or bonds shall be taken and considered to be the first and preferential charge or claim upon the undertaking and real property of the said company (including its rolling stock and equipments) then existing, or at any time thereafter acquired, and its rents and income, subject always to the lien of any unpaid vendor in respect of any such property, and each holder of such debenture stock or bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, property and income of the company aforesaid.

Issue of de-  
benture stock  
or new bonds.

Bonds to bear interest and be secured.

3. If the company elect to issue bonds under the last preceding section they may be made to run for any term of years which may be decided upon by the shareholders, and may bear interest from a date not more than six months prior to the date of issue, and may be secured by a mortgage to any incorporated trust company, or to three trustees of the aforesaid property of the company containing such powers, provisos and conditions as may be approved of by the shareholders of the company, but in any event the statutory lien provided for by section 2 shall continue.

Company may give new stock to holders of stock cancelled.

4. The company, in substitution for the said preference stock and the said common stock, may give to the holders thereof at such rate above or below par as may *by said holders* be agreed upon, debenture stock or bonds, part of the issue hereinbefore authorized, and they may issue a new stock to be allotted to the said preference and common shareholders or any of them, or such shareholders may be allotted in substitution, partly debenture stock or bonds and partly such new stock *as may be so agreed upon.*

Amount of new issue and mode of allotment to be determined at general meeting.

5. Subject to the preceding sections of this Act the amount of such new issue of stock, and the rate at which the same is to be allotted, and the proportion of debenture stock or bonds (if issued) which are to be given in substitution to the shareholders aforesaid, shall be determined at a general meeting of both classes of shareholders to be called for that purpose, and at such meeting the said shareholders shall have a right to issue, in addition to the present face value of such stocks, any further sum not exceeding \$25,000 to be fixed by the said shareholders as representing the profits of the said company, which have not been divided, but which have been used in aid of capital account; or the total issue on capital account may be reduced to such sum as the said shareholders may fix; provided that the resolution of the said shareholders recording their action under the powers given by this section shall be carried by a vote of two-thirds in value of the shareholders of both classes.

Residue of new issue, how disposed of.

6. The residue of the debenture stock or bonds of the said company issued under this Act shall be disposed of by the said company, or handed over to their lessees, the proceeds thereof to be used in the *improvement* of the said line, and for the *other necessary works* of the said company.



No. 19.

4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act respecting the Hamilton and Dundas Street Railway Company.

First Reading, 14th February, 1890.

*(Re-printed as amended by Railway Committee.)*

(Private Bill.)

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W



An Act to incorporate the Romney and St Clair  
Tramway Company.

**W**HEREAS Edward Trout, of the city of Toronto, in the Preamble.  
county of York, esquire; Hugo Mattullath, of the city  
of Detroit, in the state of Michigan, manufacturer; Charles  
F. Brown, of the city of New York, in the state of New  
York, broker; Abraham Sanger, of the same place, esquire;  
Alexander R. Linn, of the city of Detroit, contractor; and  
H. T. W. Ellis, of the town of Windsor, in the county of  
Essex, esquire, have petitioned that an Act may be passed  
incorporating them under the name of the "Romney and St.  
Clair Tramway Company," and authorizing the construction,  
operation, and maintenance of a tramway from a point at or  
near the village of Romney, in the county of Kent, to a point  
on lake St. Clair, running through the townships of Romney,  
Tilbury East, Tilbury West, and the village of Tilbury Centre,  
in the counties of Essex and Kent respectively; and whereas  
it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and con-  
sent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

**1.** The said Edward Trout, Hugo Mattullath, Charles F. Brown, Abraham Sanger, Alexander R. Linn, and H. T. W. Ellis, and such other persons and corporations as shall in pursuance of this Act, become shareholders are hereby constituted a body corporate by the name of the "Romney and St. Clair Tramway Company."

**2.** The *Railway Act of Ontario*, chaptered one hundred and seventy of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity, and fines and penalties, and their prosecution," are incorporated with, and form a part of this Act, and shall apply to the said company and the tramway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall include the clauses of the said *Railway Act of Ontario* so incorporated with this Act, provided, that at the election of any property owner, through whose lands it is proposed to carry the said tramway, the company shall be obliged to take the whole of any township lot, and pay therefor the value of such lot to be ascertained by arbitration under the said Act, before they can enter the same for the purpose of constructing said tramway, and in such case the land so acquired shall not,

Incorporation.

Certain sections of Rev. Stat., c 170, to apply.

Rev. Stat., c 170. Proviso.

on the abandonment of the tramway, vest in the owners of the land severed thereby.

Location of tramway.

3. The said company shall have full power under this Act to construct, maintain and operate a tramway from a point at or near the village of Romney in the county of Kent, to a point on lake St. Clair, running through the townships of Romney, Tilbury East, Tilbury West, and the village of Tilbury, with full power to pass over any portion of the country between the points aforesaid, and the company shall haul, or permit to be hauled over its line, all traffic offered, at such rates, and subject to such terms and conditions as may from time to time be settled by the Lieutenant-Governor in Council.

Gauge.

4. The said tramway may be of any gauge.

Power to receive aid from persons or municipalities

5. The said company may receive from any private individuals or from any municipality, any bonus or gift for the extension of the said tramway within the distance authorized by this Act.

Conveyance of present tramway to company.

6. The conveyance by the said petitioners of that part of the said tramway now constructed to the said company, shall vest the same in the said company, as if constructed under this Act, by them.

Passenger traffic.

7. The said company may, but shall not be bound to, operate the said tramway for passenger traffic.

Tramway may be abandoned at end of ten years.

8. The company may at the end of ten years, or at any subsequent period abandon and relinquish the said tramway, and take up, and remove all rails, ties, and other material used in the construction thereof, and in such case all lands acquired for the purpose of said tramway shall forthwith thereafter vest in the owners of the lands respectively severed thereby, or in the person now owning same, his heir or assigns.

Number and election of directors.

9. The number of directors of the company shall be six, who shall be elected annually, at a general meeting of the shareholders, to be held at the office of the company in the town of Windsor, on the first Monday in February in each year, four of whom shall form a quorum for the transaction of business; the first annual meeting shall be held on the first Monday in April, and the method of calling general meetings shall be determined and settled by the laws of directors.

Petitioners to be first directors.

10. The said Edward Trout, Hugo Mattullath, Charles F. Brown, Abraham Sanger, Alexander R. Linn, and H. T. W. Ellis shall be the first directors of the company.

Capital stock.

11. The capital stock of the company hereby incorporated shall be \$50,000, with power to increase the same in the manner provided in *The Railway Act of Ontario*, to be divided into five hundred shares of \$100, and shall be raised by the persons and corporations who shall become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and all the remainder of such moneys shall be applied to the acquisition, making, equipment, and completion of the said tramway.

Rev. Stat. c. 170.



No. 20.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to incorporate the Romney and St.  
Clair Tramway Company.

First Reading	1890.
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(Private Bill.)

Mr. BALFOUR.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to authorize the Supreme Court of Judicature for Ontario to admit George Macgregor Gardner to practice as a Solicitor.

WHEREAS George Macgregor Gardner, of the city of Toronto, in the county of York, Gentleman, has by his petition represented that he was, in or about the month of May, A.D. 1865, apprenticed to a writer or solicitor and notary public in Scotland for the period of five years, and that he duly served the said apprenticeship, and that during the said apprenticeship he attended the Law course of the university of the city of Glasgow; that on or about the 20th of July, 1871, he was admitted to practice in Scotland the profession of a writer or solicitor and notary public and that he did practice the said profession in Scotland from on or about the 20th day of July, 1871, till the end of October, 1876; that he served as a clerk in the law office of Fitzgerald & Beck, barristers and practising solicitors of the city of Toronto, from on or about the month of April, 1883, till on or about the month of September, 1883; that he served as a clerk in the law office of Francis & Wardrop, barristers and practising solicitors, from on or about the 1st of September, 1883, till in or about the end of the month of December, 1883; that since in or about the month of December, 1885, and up to this date, he has been constantly engaged in the said city of Toronto in the study and practice of the profession of law so far as he could do so; that on or about the 13th day of March, 1887, he was appointed a notary public for the Province of Ontario and that since said appointment he has practiced as such notary public; that owing to financial and other circumstances over which the said George Macgregor Gardner had no control, he was prevented from entering himself upon the books of the Law Society of Upper Canada; that from the experience and knowledge gained by him in the study and practice of the law as hereinbefore narrated, he has thereby gained such an education in law and practice of the courts as he thinks will enable him to pass the final examination prescribed by the Law Society for the admission of solicitors; and whereas it has been shown that the said George Macgregor Gardner is otherwise a proper person to be admitted as a solicitor on his passing said examination; and whereas the said George Macgregor Gardner has petitioned that an Act be passed to authorize the Supreme Court of Judicature for Ontario to admit him to practice in said court as a solicitor upon his passing said examination; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: —

Authority to  
admit G. M.  
Gardner to  
practice as a  
solicitor.

1. It shall and may be lawful for the Supreme Court of Judicature for Ontario at any time hereafter to admit the said 5 George Macgregor Gardner to practice as a solicitor in the said Court upon his paying the proper fees in that behalf and passing at any time or times the final examination for admission prescribed by the rules of the Law Society of Upper Canada, without his complying with any other requirements 10 of the law or any other rules or regulations of the said Law Society in that behalf; any law, custom or usage to the contrary notwithstanding.



BILL.

An Act to authorize the Supreme Court of  
Judicature for Ontario to admit George  
Macgregor Gardner to practice as a  
Solicitor.

First Reading.

1890.

MR. LEYS.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



## An Act respecting the municipality of Shuniah.

**W**HEREAS the municipality of Shuniah has petitioned Preamble.  
 that an Act may be passed amending the law relating  
 to the assessment of property in the said municipality, and for  
 other purposes; and whereas it is expedient to grant the  
 5 prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. Notwithstanding anything contained in the several Acts Assessment of  
 10 of the Legislature of the Province of Ontario, relating to the property in  
 municipality of Shuniah, all the assessable property, both real Shuniah.  
 and personal in the said municipality, shall from and after the  
 first day of July next, be assessed in the manner provided by  
 and in accordance with the terms of the assessment Acts, in  
 15 force in the Province of Ontario, and the said municipality  
 shall have the same power to assess all lands within the muni-  
 cipality as other township municipalities have or will have  
 under the assessment Acts from time to time in force in the  
 Province of Ontario, without any restriction thereon as here-  
 20 tofore existing.

2. Notwithstanding anything contained in the Act passed Municipality  
 in the 39th year of Her Majesty's reign, and chaptered 37, the to have same  
 said municipality of Shuniah, shall have, as to assessing, levy- powers as to  
 ing, collecting, and expending all taxes, the same powers and assessment as  
 25 privileges as are at present enjoyed by other township muni- other town-  
 cipalities under the assessment Acts in force in Ontario. ships.

3. Sections 1, 2, 3, 4 and 5, of said Act passed in the 39th 39 V., cap. 37.,  
 year of Her Majesty's reign and chaptered 37, are hereby secs. 1-5 re-  
 repealed. pealed.

30 4. The majority of persons entitled to vote on any by-law Aid to rail-  
 submitted to the ratepayers of the said municipality of Shuniah ways and  
 being non-resident voters, the said municipality shall have the manufactures.  
 power (subject to the obtaining of the assent of the Lieutenant  
 Governor in Council, as provided by section 6 of the Act passed  
 35 in the 39th year of Her Majesty's reign, and chaptered 37) to  
 grant aid to any railway or manufacturing enterprises benefit-  
 ing said municipality by a by-law duly passed in the manner  
 provided by the Municipal Acts in force in Ontario, save and  
 except that it shall only be necessary for a by-law granting  
 40 such aid to receive the assent of the majority of the ratepayers  
 voting on such by-law.

Previous tax  
sales con-  
firm

5. All sales of lands for taxes in the said municipality of Shuniah, up to the time of the passing of this Act, including the sale of lands for taxes in the said municipality held in the month of October, 1889, shall be and the same are hereby ratified and confirmed, and made binding upon all parties thereto, subject as to the sale held in the said month of October, 1889, to the right of redemption within one year from the date thereof as is provided by the assessment Acts in force in the said Province of Ontario. 5



4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the Municipality of  
Shuniah.

First Reading, , 1890.

(Private Bill).

MR. CONNIE.


TORONTO :



PRINTED BY WARWICK & SON, 68 AND 70 FRONT ST. W.

## An Act respecting the municipality of Shuniah.

**W**HEREAS the municipality of Shuniah has petitioned, Preamble.  
that an Act may be passed amending the law relating  
to the assessment of property in the said municipality, and for  
other purposes; and whereas it is expedient to grant the  
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

 **1.** Section 5 of chapter 31 of the Acts of this Province  
passed in the fortieth year of Her Majesty's reign, is hereby  
amended by striking out the word "one" in the third line  
thereof and inserting the word "four" instead thereof, and  
section 1 of chapter 42 of the Acts passed in the forty-sixth  
year of Her Majesty's reign is hereby amended by striking out  
all after the word "exceed" in the fortieth line of said section  
and substituting the words "four dollars per acre." 40 V., c. 31,  
s. 5, and 46 V.  
c. 42, s. 1,  
amended.

 **2.** All assessment rolls of the municipality of Shuniah as  
finally revised before the first day of July, 1889, are hereby  
confirmed and declared to be valid and binding. Assessment  
rolls. 



No. 22.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Municipality of  
Shuniah.

First Reading, 5th March, 1890.

(*Reprinted as amended by Private Bills  
Committee.*)

(Private Bill.)

MR. CONMEF.

TOKONTO:

PRINTED BY WALKER & SONS, 68 AND 70 FRONT ST. W.

An Act to enable the Trustees of St. Andrew's Church,  
Chatham, to sell certain lands, and for other pur-  
poses

WHEREAS it has been made to appear by the petition of **Preamble.**  
the Reverend John Rae Battisby and others, trustees  
and members of the congregation of St. Andrew's Church in  
the town of Chatham, in connection with the Presbyterian  
5 Church in Canada, (formerly in connection with the Church of  
Scotland), that by letters patent bearing date the 18th day of  
September, A.D. 1837, a certain parcel of land of ten acres in  
the said town of Chatham, and more particularly described in  
the said letters patent, was granted by the Crown to one Robert  
10 Innes and others therein named, in trust, for the benefit of  
the said congregation in connection with the Church of  
Scotland; that by the Act of the Legislature of Ontario  
passed in the 31st year of the reign of Her Majesty Queen  
Victoria, chaptered 70, the trustees for the time being of said  
15 congregation were authorized and empowered to make sale of  
the whole or any part of the said lands, and take mortgages  
to secure the purchase money or any part thereof as therein  
provided, and to apply a sum not exceeding \$3,500 of the pro-  
ceeds of such sale in aid of the erection of a new church; that  
20 by the Act passed in the 38th year of the reign of Her Majesty  
Queen Victoria, chaptered 75, intituled "*An Act respecting  
the union of certain Presbyterian churches therein named,*"  
it was declared that as soon as the union thereunder should  
take place, all property, real or personal, within the Province  
25 of Ontario, now belonging to or held in trust for or to the use  
of any congregation in connection or communion with any of  
the said churches, shall thenceforth be held, used and adminis-  
tered for the benefit of the same congregation in connection  
or communion with the united body under the name of the  
30 Presbyterian Church in Canada; that by the Act passed in the  
43rd year of the reign of Her Majesty Queen Victoria, chap-  
tered 78, the trustees for the time being of such congregation  
were authorized and empowered to mortgage or sell the por-  
tion of the said lands remaining unsold and apply \$10,000 in  
35 aid of the erection of a church for the use of such congrega-  
tion, and were directed to invest the remainder of the proceeds  
of such lands when realized by them, in the manner provided  
by the said Act passed in the 31st year of the reign of Her  
Majesty Queen Victoria, chaptered 70; that the said lands were  
40 subdivided according to a plan duly registered in the registry  
office for the county of Kent and numbered 17; that part of  
lot twenty-six in block "B" according to such plan, (being all  
of such lot except the several portions thereof heretofore sold),  
and conveyed by the trustees of St. Andrews Church afore-

said, to Phoebe Bowen by deed, dated  
 and to Munro Trickey, by deed, dated the thirtieth day of  
 November, 1869, and to Charles Murray by deed, dated the  
 first day of September, 1876, (all of which conveyances are  
 duly registered in the registry office for the county of Kent), 5  
 was used as a graveyard down to the year 1871, when the  
 corporation of the town of Chatham established a public  
 cemetery, since which the use thereof as a graveyard has been  
 discontinued; that there remain unsold the following portions  
 of such ten acres above mentioned and no others, namely: lot 10  
 15 in block "A," according to a plan and subdivision of St.  
 Andrew's Church lands duly registered in the registry office  
 for the county of Kent, and numbered seventeen, lots 5 and 14  
 in block "A" aforesaid, that part of lot 26 in block "B"  
 according to the said plan, not heretofore sold and conveyed 15  
 to the said Phoebe Bowen, Munro Trickey and Charles Murray,  
 respectively, and that part of lot 25 in block "B" aforesaid,  
 not heretofore sold and conveyed to Robert Smith by deed,  
 dated the first day of October, 1872, or to Henry McPhilemy,  
 the younger, by deed, dated the first day of September, 1876, 20  
 or to Isabella Agnes Coltart by deed, dated the first day of  
 September, 1876, all of which conveyances are duly registered  
 in the registry office for the county of Kent; that lot 15 of  
 block "A" aforesaid, is subject to a mortgage given by the  
 trustees for the time being of St. Andrew's Church, to the 25  
 Ontario Loan and Debenture Company, for \$5,000, and such  
 portion of lot 25 aforesaid, remaining unsold is subject to a  
 mortgage given by such trustees and now held by one Peter  
 Neilson, for the sum of \$1,000; that Duncan McNaughton,  
 Joseph E. Peers, Hugh Malcolmson, John Longwell, Donald 30  
 Malcolm Christie, Duncan McLachlan and Duncan Hector Mc-  
 Naughton, are the present trustees of St. Andrew's Church;  
 that the said trustees are desirous of being empowered to  
 mortgage, sell or otherwise deal with part of the said lot 26  
 heretofore used as a graveyard, and of being authorized and 35  
 empowered to apply the proceeds of the sale or mortgage of  
 the said graveyard and of the other unsold portions of such  
 above mentioned ten acres, in payment of the above recited  
 incumbrances; and whereas it is expedient to grant the prayer  
 of the said petition; 40

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

Lands remain-  
 ing unsold  
 vested in pre-  
 sent trustees.

1. Those portions of the said ten acres in the preamble to  
 this Act mentioned, now remaining unsold, shall be by virtue 45  
 of this Act, and are hereby declared to be, vested in fee simple,  
 upon the trusts mentioned in the said patent, and subject to  
 the provisions contained in this Act and in the above recited  
 Acts, (so far as they are not inconsistent with the provisions  
 of this Act), in the said present trustees of the said congrega- 50  
 tion and their successors in office, and they are hereby author-  
 ized to carry out the intention and provisions of this Act, not-  
 withstanding any irregularity (if any there be) in their  
 appointment.

Power to  
 remove bodies  
 to public  
 cemetery.

2. The said trustees and their successors in office 55  
 shall have full power and authority forthwith, after giving  
 notice as hereinafter required, to remove, of their own accord

and at their own expense, in a decent and orderly manner, and without any further notice to the friends and relatives of the dead, all the remains of the dead now interred in the lands and premises aforesaid, to the public cemetery for the town of Chatham, and the remains of the dead so removed in pursuance of the powers in this section granted, shall be reinterred at the expense of the said trustees in suitable burial places.

3. The said trustees, before removing the remains of the dead as in the last preceding section authorized, shall give notice in writing to the relatives of the deceased when known, and shall, during the period of four weeks, publish a notice in four successive issues of the *Ontario Gazette*, and of a local newspaper published within the county of Kent, which notice shall set forth the powers in the last preceding section granted, and that parties owning burial lots or having the remains of deceased friends or relatives interred in the said graveyard, may remove the remains to the public cemetery for the town of Chatham, where the trustees will provide suitable burial lots therefor, and pay all reasonable expenses incurred or sustained in or by reason of such removal to or reinterment in the said burial grounds. In the event of parties not removing the remains as aforesaid, it shall be the duty of the said trustees to remove the same in a decent and orderly manner, and reinter them in suitable plots in the public cemetery for the town of Chatham, and with the remains so removed in pursuance of the powers herein granted to remove also and properly place in the proper burial plot to which they have removed said remains all grave-stones and monuments now erected in the said graveyard.

Notice to relatives of deceased.

4. So soon as the bodies which are now interred in the said graveyard are removed as provided herein, the said trustees and their successors are hereby empowered to lease for any term of years or to sell and convey such unsold portions of said lot 26, in fee simple or for any less estate, *en bloc* or in parcels from time to time according to such plan or survey as the said trustees may cause to be made of the said lands and premises, either by public auction or by private contract, for such prices, for cash or upon credit and upon such terms and conditions as may be deemed best by the said trustees, and the said trustees and their successors are hereby empowered and authorized to lease or sell and convey as aforesaid the said lands, freed and discharged of and from the said trusts, as expressed in the said patent from the Crown, and from all right, title, interest, claim or demand of any person or persons who may have acquired lots for burial purposes therein or of their representatives.

Trustees may lease or sell lands after removal of bodies.

5. Should the said trustees sell the said land and premises or any part or parts thereof, and grant time for the purchase money, or any part thereof, they are hereby authorized and empowered to take and accept, as security for the payment thereof, mortgages from the respective purchasers on the land sold to them respectively, or on other land containing the ordinary and usual covenants and powers of sale, and to enforce all such covenants and exercise such powers in the ordinary way, and in as full and ample manner, and to as full an extent as private individuals are authorized by law so to do; and such mortgage securities when paid to effectually discharge and release,

Mortgages may be taken for purchase money.



Certificate of  
county judge  
as to removal  
of bodies.

6. It shall be the duty of the said trustees and their successors in office to use due care and diligence that all the remains of the dead have been removed from the said burying ground before they build on or before they lease, mortgage or sell such unsold portion of lot 26 in said block B as aforesaid, but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to the judge of the County Court of the county of Kent for the time being, and if he shall so certify under his hand, that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold, and such certificate shall be registered in the registry office for the county of Kent, on the production thereof to the said registrar, 15 and the payment to him of \$1 as a fee for such registration

Application  
of purchase  
money.

7. The moneys received by the said trustees or their successors on account of the sale or mortgage of the respective portions of such ten acres now remaining unsold, after satisfying and discharging out of the sum realized upon any such parcel, any mortgage, lien or incumbrance now subsisting thereon, shall be applied by the said trustees first in the payment of the expenses incurred by them in procuring and carrying out the provisions of this Act, and then in payment of the mortgages now held by the Ontario Loan and Debenture Company, and by Peter Neilson, respectively, and the remainder (if any) of such moneys shall be invested as provided by the 4th section of the said Act, passed in the 31st year of the reign of Her Majesty Queen Victoria, chaptered 70, but no mortgagee or purchaser of the said lands or of any part thereof shall be bound to see to the application of the purchase money. 30





No. 23.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to enable the Trustees of St. Andrew's Church, Chatham, to sell certain lands and for other purposes.

First Reading, , 1890.

(Private Bill.)

Mr. FERGUSON.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.


An Act to enable the Trustees of St. Andrew's Church,  
Chatham, to sell certain lands, and for other purposes

WHEREAS it has been made to appear by the petition of Preamble.  
the Reverend John Rae Battisby and others, trustees and members of the congregation of St. Andrew's Church in the town of Chatham, in connection with the Presbyterian Church in Canada, (formerly in connection with the Church of Scotland), that by letters patent bearing date the 18th day of September, A.D. 1837, a certain parcel of land of ten acres in the said town of Chatham, and more particularly described in the said letters patent, was granted by the Crown to one Robert Innes and others therein named, in trust, for the benefit of the said congregation in connection with the Church of Scotland; that by the Act of the Legislature of Ontario passed in the 31st year of the reign of Her Majesty Queen Victoria, chaptered 70, the trustees for the time being of said congregation were authorized and empowered to make sale of the whole or any part of the said lands, and take mortgages to secure the purchase money or any part thereof as therein provided, and to apply a sum not exceeding \$3,500 of the proceeds of such sale in aid of the erection of a new church; that by the Act passed in the 38th year of the reign of Her Majesty Queen Victoria, chaptered 75, intituled "*An Act respecting the union of certain Presbyterian churches therein named*," it was declared that as soon as the union thereunder should take place, all property, real or personal, within the Province of Ontario, now belonging to or held in trust for or to the use of any congregation in connection or communion with any of the said churches, shall thenceforth be held, used and administered for the benefit of the same congregation in connection or communion with the united body under the name of the Presbyterian Church in Canada; that by the Act passed in the 43rd year of the reign of Her Majesty Queen Victoria, chaptered 78, the trustees for the time being of such congregation were authorized and empowered to mortgage or sell the portion of the said lands remaining unsold and apply \$10,000 in aid of the erection of a church for the use of such congregation, and were directed to invest the remainder of the proceeds of such lands when realized by them, in the manner provided by the said Act passed in the 31st year of the reign of Her Majesty Queen Victoria, chaptered 70; that the said lands were subdivided according to a plan duly registered in the registry office for the county of Kent and numbered 17; that part of lot twenty-six in block "B" according to such plan, (being all of such lot except the several portions thereof heretofore sold, and conveyed by the trustees of St. Andrews Church afore-

said, to Phœbe Bowen by deed, dated *the thirteenth day of November, 1889*, and to Munro Trickey, by deed, dated the thirtieth day of November, 1869, and to Charles Murray by deed, dated the first day of September, 1876, all of which conveyances are duly registered in the registry office for the county of Kent, was used as a graveyard down to the year 1871, when the corporation of the town of Chatham established a public cemetery, since which the use thereof as a graveyard has been discontinued; that there remain unsold the following portions of such ten acres above mentioned and no others, namely: lot 15 in block "A," according to a plan and subdivision of St. Andrew's Church lands duly registered in the registry office for the county of Kent, and numbered seventeen, lots 5 and 14 in block "A" aforesaid, that part of lot 26 in block "B" according to the said plan, not heretofore sold and conveyed to the said Phœbe Bowen, Munro Trickey and Charles Murray, respectively, and that part of lot 25 in block "B" aforesaid, not heretofore sold and conveyed to Robert Smith by deed, dated the first day of October, 1872, or to Henry McPhilemy, the younger, by deed, dated the first day of September, 1876, or to Isabella Agnes Coltart by deed, dated the first day of September, 1876, all of which conveyances are duly registered in the registry office for the county of Kent; that lot 15 of block "A" aforesaid, is subject to a mortgage given by the trustees for the time being of St. Andrew's Church, to the Ontario Loan and Debenture Company, for \$5,000, and such portion of lot 25 aforesaid, remaining unsold is subject to a mortgage given by such trustees and now held by one Peter Neilson, for the sum of \$1,000; that Duncan McNaughton, Joseph E. Peers, Hugh Malcolmson, John Longwell, Donald Malcolm Christie, Duncan McLachlan and Duncan Hector McNaughton, are the present trustees of St. Andrew's Church; that the said trustees are desirous of being empowered to mortgage, sell or otherwise deal with *the portions of such ten acres not heretofore sold including that part of the said lot 26 heretofore used as a graveyard, and of being authorized and empowered to apply the proceeds of the sale or mortgage of the said graveyard and of the other unsold portions of such above mentioned ten acres, in payment of the above recited incumbrances; and whereas it is expedient to grant the prayer of the said petition;*

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands remain-  
ing unsold  
vested in pre-  
sent trustees.

1. Those portions of the said ten acres in the preamble to this Act mentioned, now remaining unsold, shall be by virtue of this Act, and are hereby declared to be, vested in fee simple, upon the trusts mentioned in the said patent, and subject to the provisions contained in this Act and in the above recited Acts, (so far as they are not inconsistent with the provisions of this Act), in the said present trustees of the said congregation and their successors in office, and they are hereby authorized to carry out the intention and provisions of this Act, notwithstanding any irregularity (if any there be) in their appointment, and to lease, mortgage, sell or convey the said lands subject as to lot 26 in block B aforesaid to the provisions hereinafter contained. 

2. The said trustees and their successors in office shall have full power and authority forthwith after giving notice as hereinafter required to remove of the remains of the dead and at their own expense, in a decent and orderly manner, and without any further notice to the friends and relatives of the dead, all the remains of the dead now interred in the lands and premises described as that part of lot 26 in block B according to the said plans and hereafter so far as aforesaid to the public cemetery for the town of Chatham, and the remains of the dead so removed in pursuance of the powers in this section granted, shall be reinterred at the expense of the said trustees in suitable burial places.

3. The said trustees, before removing the remains of the dead as in the last preceding section authorized, shall give notice in writing to the relatives of the deceased when known, and shall, during the period of four weeks, publish a notice in four successive issues of the *Ontario Gazette*, and of two local newspapers published in the town of Chatham, which notice shall set forth the powers in the last preceding section granted, and that parties owning burial lots or having the remains of deceased friends or relatives interred in the said graveyard, may remove the remains to the public cemetery for the town of Chatham, where the trustees shall provide suitable burial lots therefor, and pay all reasonable expenses incurred or sustained in or by reason of such removal to or reinterment in the said burial grounds. In the event of parties not removing the remains as aforesaid, it shall be the duty of the said trustees to remove the same in a decent and orderly manner, and reinter them in suitable plots in the public cemetery for the town of Chatham, and with the remains so removed in pursuance of the powers herein granted to remove also and properly place in the proper burial plot to which they have removed said remains all grave-stones and monuments now erected in the said graveyard.

4. So soon as the bodies which are now interred in the said graveyard are removed as provided herein, the said trustees and their successors are hereby empowered to lease for any term of years or to sell and convey such unsold portions of said lot 26, in fee simple or for any less estate, *en bloc* or in parcels from time to time according to such plan or survey as the said trustees may cause to be made of the said lands and premises, either by public auction or by private contract, for such prices, for cash or upon credit and upon such terms and conditions as may be deemed best by the said trustees, and the said trustees and their successors are hereby empowered and authorized to lease or sell and convey as aforesaid the said lands, freed and discharged of and from the said trusts, as expressed in the said patent from the Crown, and from all right, title, interest, claim or demand of any person or persons who may have acquired lots for burial purposes therein or of their representatives.

5. Should the said trustees sell the said land and premises or any part or parts thereof, and grant time for the purchase money, or any part thereof, they are hereby authorized and empowered to take and accept, as security for the payment thereof, mortgages from the respective purchasers on the land sold to them respectively, or on other land containing the ordinary and



usual covenants and powers of sale, and to enforce all such covenants and exercise such powers in the ordinary way, and in as full and ample manner, and to as full an extent as private individuals are authorized by law so to do; and such mortgage securities when paid to effectually discharge and release.

Certificate of  
county judge  
as to removal  
of bodies.

6. It shall be the duty of the said trustees and their successors in office to use due care and diligence that all the remains of the dead have been removed from the said burying ground before they build on or before they lease, mortgage or sell such unsold portion of lot 26 in said block B as aforesaid, but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to the judge of the County Court of the county of Kent for the time being, and if he shall so certify under his hand, that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold, and such certificate shall be registered in the registry office for the county of Kent, on the production thereof to the said registrar, and the payment to him of \$1 as a fee for such registration.

Application  
of purchase  
money.

7. The moneys received by the said trustees or their successors on account of the sale or mortgage of the respective portions of such ten acres now remaining unsold, after satisfying and discharging out of the sum realized upon any such parcel, any mortgage, lien or incumbrance now subsisting thereon, shall be applied by the said trustees first in the payment of the expenses incurred by them in procuring and carrying out the provisions of this Act, and then in payment of the mortgages now held by the Ontario Loan and Debenture Company, and by Peter Neilson, respectively, and the remainder (if any) of such moneys shall be invested as provided by the 4th section of the said Act, passed in the 31st year of the reign of Her Majesty Queen Victoria, chaptered 70, but no mortgagee or purchaser of the said lands or of any part thereof shall be bound to see to the application of the purchase money.



BILL.

An Act to enable the Trustees of St. Andrew's Church, Chatham, to sell certain lands, and for other purposes.

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First Reading, 18th February, 1890.

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*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. A. M. ROSS.

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TORONTO:

PRINTED BY WADEWIE & SONS, 68 AND 70 FRONT ST. W.

An Act to enable William Lawrence and others to sell  
or lease certain lands.

**W**HEREAS the Reverend James Harris, late of the city of <sup>Preamble.</sup>  
Toronto, by his last will and testament, dated the 23rd  
day of April, 1870, duly executed and sufficient for the pur-  
poses thereof, did devise to his wife, Fidelia Harris, during her  
5 natural life, the net income or proceeds that may be derived  
from the houses and lands situate on the south-east corner of  
Queen and Bay streets, Toronto, said lands having a frontage  
on Queen street of one hundred and thirteen feet by a depth  
on Bay street of one hundred and seven feet, subject to a  
10 right of way over the southerly eleven feet thereof; and  
whereas the said Reverend James Harris, by his said will,  
did, subject to the said life estate to his said wife, devise the  
westerly portion of the said lands having a frontage on Queen  
street of twenty-seven feet by a depth of ninety-six feet more  
15 or less to a lane, and the easterly portion of said lands having  
a frontage of twenty-nine feet by a depth of ninety-six feet,  
more or less to said lane, to Emily Elizabeth Harris during  
her natural life and to whomsoever she might appoint by any  
last will and testament, in fee or otherwise, notwithstanding  
20 her coverture if such should be the fact, and, in default of ap-  
pointment, to her children, if any, absolutely, and if she leave  
no children her surviving to the right heirs of the testator  
absolutely; and whereas the said Reverend James Harris, by  
his said will, did give and devise, upon the death of his said  
25 wife, to the executors named in said will, that portion of said  
lands lying immediately to the east of the first parcel so  
devised to the said Emily Elizabeth Harris, having a frontage  
of twenty-eight feet on Queen street by a depth of ninety-six  
feet, more or less, to said lane, to hold the same in trust for the  
30 use and benefit of Charlotte Emma Foster during her natural  
life, and in event of her death leaving children, then the  
said testator directed that the same parcel of land should be  
sold by his said executors and proper deed or deeds thereof be  
executed by them or the survivor of them to the purchaser or  
35 purchasers thereof and the proceeds thereof should be equally  
divided amongst the children of the said Charlotte Emma  
Foster, and in case of her death without children surviving  
her and without leaving any last will appointing the same  
which she was authorized to do notwithstanding her coverture  
40 if such should be the fact, then the said testator directed that  
the same should be given to his own right heirs absolutely,  
share and share alike; and whereas the said testator further  
devised the remaining portion of said lands, the same having  
a frontage on Queen street of twenty-nine feet, upon the death  
45 of his said wife, to Emma Fidelia Lawrence during her natural  
life and to whomsoever she might appoint by any last will and  
testament in fee or otherwise, notwithstanding her coverture,  
and in default of appointment to her children, if any, absolutely,

and in case she should leave no children her surviving, then to the right heirs of the said testator absolutely; and whereas the said testator died on or about the sixth day of September, 1873, and his widow, the said Fidelia Harris, died on or about the 29th March, 1874; and whereas the said William 5 Lawrence and William John Stibbs are the surviving executors and trustees under the said will; and whereas the said Charlotte Emma Foster is providing for the support, maintenance and education of James William Percival Foster, Ida Emma Irene Foster and Norman Foster, her only children; 10 and whereas the buildings upon the said lands are unsuitable to the locality, having fallen into decay, and in order to make the said lands productive, it is necessary that the said buildings should be replaced by more commodious buildings; and whereas the said Emily Elizabeth Harris, Emma Fidelia 15 Lawrence and Charlotte Emma Foster have, by their petition, prayed that an Act may be passed to enable the said lands to be leased to a tenant or tenants who will erect suitable buildings thereon; and whereas it is expedient to grant the prayer of the said petition; 20

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees empowered to lease lands.

1. The said William Lawrence and William John Stibbs and the trustees or trustee for the time being who shall be 25 appointed under the said will, are hereby empowered with the sanction of the said Emily Elizabeth Harris, Emma Fidelia Lawrence and Charlotte Emma Foster, from time to time, to demise and lease the said parcel of land situate on the south-east corner of Queen and Bay streets, Toronto, and having a 30 frontage of one hundred and thirteen feet on Queen street by a depth of one hundred and seven feet on Bay street, but subject to the right of way over the southerly eleven feet thereof, or with the sanction of the said Emily Elizabeth Harris, Charlotte Emma Foster and Emma Fidelia Lawrence, respectively, 35 to demise and lease the several parcels thereof devised to them respectively by the said will, and to give and grant good and valid leases thereof for such terms of years with such rights of renewal and purchase as to the said William Lawrence and William John Stibbs, or the trustees or trustee for the time 40 being under said will, shall seem expedient; and also with the like sanction to borrow on the security of the said parcels of land respectively such sums of money as the said William Lawrence and William John Stibbs shall think proper and to give and grant to the person or persons who shall make ad- 45 vances on the said security good and valid mortgages thereof, with or without power of sale.

Purchase moneys subject to same trusts as lands.

2. The moneys realized from the sale of the said parcels of land shall be held by the said William Lawrence and William John Stibbs, or the trustees or trustee for the time being under 50 the said will, for the person or persons who would have been entitled to the said parcels of land, respectively, if no sale had taken place; provided that the said Emily Elizabeth Harris, Charlotte Emma Foster and Emma Fidelia Lawrence shall possess and have the power to dispose of the purchase money 55 realized from their respective parcels of land by will and testament in the same manner and to the same extent as they are respectively empowered to do by the said will with respect to said parcels of land.





No. 24.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to enable William Lawrence and  
others to sell or lease certain lands.

First Reading,	1890.
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(Private Bill.)

MR. LEYS.

TORONTO:

PRINTED BY WARWICK & SONS, 68 and 70 FRONT ST. W.

An Act to enable William Lawrence and others to  
lease certain lands.

**W**HEREAS the Reverend James Harris, late of the city of Preamble.  
Toronto, by his last will and testament, dated the 23rd  
day of April, 1870, duly executed and sufficient for the pur-  
poses thereof, did devise to his wife, Fidelia Harris, during her  
natural life, the net income or proceeds that may be derived  
from the houses and lands situate on the south-east corner of  
Queen and Bay streets, Toronto, said lands having a frontage  
on Queen street of one hundred and thirteen feet by a depth  
on Bay street of one hundred and seven feet, subject to a  
right of way over the southerly eleven feet thereof; and  
whereas the said Reverend James Harris, by his said will,  
did, subject to the said life estate to his said wife, devise the  
westerly portion of the said lands having a frontage on Queen  
street of twenty-seven feet by a depth of ninety-six feet more  
or less to a lane, and the easterly portion of said lands having  
a frontage of twenty-nine feet by a depth of ninety-six feet,  
more or less to said lane, to Emily Elizabeth Harris during  
her natural life and to whomsoever she might appoint by any  
last will and testament, in fee or otherwise, notwithstanding  
her coverture if such should be the fact, and, in default of ap-  
pointment, to her children, if any, absolutely, and if she leave  
no children her surviving to the right heirs of the testator  
absolutely; and whereas the said Reverend James Harris, by  
his said will, did give and devise, upon the death of his said  
wife, to the executors named in said will, that portion of said  
lands lying immediately to the east of the first parcel so  
devised to the said Emily Elizabeth Harris, having a frontage  
of twenty-eight feet on Queen street by a depth of ninety-six  
feet, more or less, to said lane, to hold the same in trust for the  
use and benefit of Charlotte Emma Foster during her natural  
life, and in event of her death leaving children, then the  
said testator directed that the same parcel of land should be  
sold by his said executors and proper deed or deeds thereof be  
executed by them or the survivor of them to the purchaser or  
purchasers thereof and the proceeds thereof should be equally  
divided amongst the children of the said Charlotte Emma  
Foster, and in case of her death without children surviving  
her and without leaving any last will appointing the same  
which she was authorized to do notwithstanding her coverture  
if such should be the fact, then the said testator directed that  
the same should be given to his own right heirs absolutely,  
share and share alike; and whereas the said testator further  
devised the remaining portion of said lands, the same having  
a frontage on Queen street of twenty-nine feet, upon the death  
of his said wife, to Emma Fidelia Lawrence during her natural  
life and to whomsoever she might appoint by any last will and  
testament in fee or otherwise, notwithstanding her coverture,  
and in default of appointment to her children, if any, absolutely,

and in case she should leave no children her surviving, then to the right heirs of the said testator absolutely; and whereas the said testator died on or about the sixth day of September, 1873, and his widow, the said Fidelia Harris, died on or about the 29th March, 1874; and whereas the said William Lawrence and William John Stibbs are the surviving executors and trustees under the said will; and whereas the said Charlotte Emma Foster is providing for the support, maintenance and education of James William Percival Foster, Ida Emma Irene Foster and Norman Foster, her only children; and whereas the buildings upon the said lands are unsuitable to the locality, having fallen into decay, and in order to make the said lands productive, it is necessary that the said buildings should be replaced by more commodious buildings; and whereas the said Emily Elizabeth Harris, Emma Fidelia Lawrence and Charlotte Emma Foster have, by their petition, prayed that an Act may be passed to enable the said lands to be leased to a tenant or tenants who will erect suitable buildings thereon with such rights of renewal as the trustee or trustees may think expedient; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees empowered to lease lands.

1. The said William Lawrence and William John Stibbs and the trustees or trustee for the time being who shall be appointed under the said will, are hereby empowered with the sanction of the said Emily Elizabeth Harris, Emma Fidelia Lawrence and Charlotte Emma Foster, from time to time, to demise and lease the said parcel of land situate on the south-east corner of Queen and Bay streets, Toronto, and having a frontage of one hundred and thirteen feet on Queen street by a depth of one hundred and seven feet on Bay street, but subject to the right of way over the southerly eleven feet thereof, or with the sanction of the said Emily Elizabeth Harris, Charlotte Emma Foster and Emma Fidelia Lawrence, respectively, to demise and lease the several parcels thereof devised to them respectively by the said will, and to give and grant good and valid leases thereof for such terms of years with such rights of renewal as to the said William Lawrence and William John Stibbs, or the trustees or trustee for the time being under said will, shall seem expedient.





No. 24.

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4th Session, 6th Legislature, 53 Vic., 1890.

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**BILL.**

An Act to enable William Lawrence and  
others to lease certain lands.

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First Reading, 17th February, 1890.

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*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. LEYS.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 and 70 FRONT ST. W.

## An Act respecting the City of London.

WHEREAS the corporation of the city of London have by Preamble.  
their petition prayed for special legislation in respect to  
the several matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the said petition;

5 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. On, from and after the first day of May, 1890, that part Part of town-  
of the township of Westminster, in the county of Middlesex, ship of West-  
10 which is described in the schedule "A" to this Act, shall be minster an-  
annexed to and form part of the city of London in the said nexed to city  
county. of London.

2. The said part of the said township of Westminster so Part annexed  
added to the said city of London as aforesaid, shall be and to form ward  
15 become a ward of the said city, and shall be called and known of city.  
as ward number six, and it shall be subject to and liable for  
the debts and obligations of the corporation of the said city  
of London now existing or which shall be in existence on the  
said first day of May, 1890, and shall also, subject to the pro-  
20 visions of section 5, be liable to the same rates for the pay-  
ment thereof as the remainder of the said city.

3. It shall be the duty of the council of the said corpora- Assessment of  
tion to appoint immediately after the passing of this Act an new ward.  
52 assessor who shall be a resident of the said ward number six,  
to act in conjunction with the assessment commissioner of the  
said city in making the assessment for the year 1890 of that  
part of the said township of Westminster so to be added to  
to the said city as aforesaid, and the assessment so made  
30 shall be the assessment of the said ward number six for the  
year 1890.

4. Save as herein specially provided to the contrary thereof Municipal  
all the provisions of *The Municipal Act* and amendments laws to apply.  
35 thereto, relating to lands added to a city and the matters and  
proceedings consequent thereon, shall apply to the said added  
part and to the addition of it to the said city of London.

5. For the period of fifteen years from the first day of Rate of taxa-  
40 January, 1890, the rate of general municipal taxation upon tion in new  
real and personal property within the said ward number six ward.  
shall be less by six mills on the dollar than the rate for the  
remainder of the said city of London, and the assessment of  
property in the said ward number six shall be made upon the  
45 same basis of valuation as in the remainder of the said city.

Water mains  
to be laid in  
new ward.

6. It shall be the duty of the water commissioners for the said city of London, so soon as possible after the said first day of May, 1890, to cause to be laid water mains for domestic and fire purposes upon such streets in the said ward number six as will adequately protect the property in the said ward from fire, and to supply the inhabitants of the said ward with water for domestic purposes from their system, upon the same terms and subject to the same conditions as shall for the time being apply to the remainder of the said city of London and the inhabitants thereof, and that hydrants shall within seven months from the said first day of May, 1890, be placed in the said ward number six in the positions mentioned in the schedule "B" of this Act.

Lighting, and  
fire and police  
protection in  
new ward.

7. The corporation of the said city of London shall erect a joint fire and police station in the said ward number six, and provide in said ward a fire alarm service similar to that in the remainder of the said city, and shall within four months after the said first day of May, 1890, erect and place within the said ward electric or other lamps sufficient for the proper lighting of the said ward, and equally as good having regard to their situation and the nature of the locality as are supplied for the remainder of the said city.

Appropriation  
for public im-  
provements in  
new ward.

8. The said ward number six shall be entitled to its reasonable and just proportion of the appropriations from time to time made by the council of the said corporation for public improvements, police and fire protection and street lighting, out of which appropriations there shall be expended during the said fifteen years upon each street in the said ward a sum for repairs and improvements not less than the amount expended thereon as and for statute labor in the year 1889.

Certain  
moneys ex-  
pended by  
township of  
Westminster  
to be repaid.

9. There shall be collected upon the assessment for the said ward number six for the year 1890 only two-thirds of the amount which a rate struck according to the provisions of this Act would produce, together with a sum sufficient to re-imburse the corporation of the said township of Westminster the amount which shall have been expended by it between the first day of January, 1890, and the first day of May, 1890, within the said ward number six, and the corporation of the said city shall pay to the corporation of the said township the amount so expended by it, on or before the 31st day of December, 1890.

Public schools  
in new ward.

10. The public schools now existing in the said portion of the said township of Westminster shall after the said portion shall be added to the said city retain their present distinctive character, and the teachers who shall be employed therein shall not be paid less salaries than are now paid to them.

Aldermen in  
new ward.

11. Immediately after the said 1st day of May, 1890, there shall be elected for the said ward number six three aldermen.

Nomination  
for first elec-  
tion of alder-  
men.

12. The proceedings for the nomination and election of the said three aldermen shall be the same as if three aldermen of the said ward number six had vacated their offices, and a new election were being held to fill the vacancies so created.

13. Immediately after the said first day of May, 1890, there shall be elected for the said ward number six two public school trustees.

Election of school trustees in new ward.

14. The proceedings for the nomination and election of the said trustees shall be the same as if two trustees of the said ward number six had vacated their offices, and a new election were being held to fill the vacancies so created.

Nomination for first election of trustees.

15. The corporation of the said city of London may grant to the firm of E. Leonard & Sons, their heirs and assigns, the southerly thirty-three feet of York street east, between Waterloo and Colborne streets in fee simple, subject to the proviso and condition that the same shall revert to the said corporation as and for the purpose of a public highway, if the same shall at any time hereafter cease to be used for manufacturing purposes, and upon the same being so granted as aforesaid the said thirty-three feet of York street east aforesaid shall be vested in the said firm in fee simple, subject to the said proviso and condition, and to the terms of any agreement which may be entered into between the said corporation and the said firm.

Power to grant land to E. Leonard & Sons.

16. The council of the said corporation may by by-law enact that for the period of ten years from the first day of January, 1890, the real estate of the said firm of E. Leonard & Sons in the said city where their business is now carried on, including the said portion of the said street and the personal estate used and employed by them in their said business shall not be assessed at a greater sum in the aggregate than \$75,000 in any year.

Power to exempt property of E. Leonard & Sons from taxation.

17. Section 6 of the Act passed in the forty-first year of Her Majesty's reign intituled "*The London Waterworks Amendment Act of 1878*," is hereby repealed.

41 V., c. 27, s. 6, repealed.

18. Notwithstanding the provisions of any Act or law, the said corporation may borrow for any period not exceeding thirty years such sum not exceeding \$130,000 as to the council thereof may seem meet, and the moneys so borrowed shall form a fund for and be applied in extending the system of waterworks of the said city, and so far as it may not be necessary to use the same for that purpose, the said water commissioners shall pay the same over to the treasurer of the said city to be applied to the general purposes thereof, but such last mentioned application shall not be made to any greater extent than \$60,000, which represents the amounts paid by the said commissioners on capital account out of the revenues of the said waterworks.

Power to borrow \$130,000 for extension of waterworks.

19. Notwithstanding the provisions of any Act or law, the said corporation may borrow for any period not exceeding thirty years, such sums not exceeding \$40,000 as in the opinion of the council thereof may be from time to time required for erecting or adding to public school buildings within the said city.

Power to borrow \$40,000 for school purposes.

20. It shall not be necessary that any by-law for the purposes mentioned in the two preceding sections, or any of them,

Assent of electors not required.



shall be submitted to or receive the assent of the ratepayers of the said city, but all the other provisions of *The Municipal Act* and amendments thereto which are applicable, and which are not inconsistent with the provisions of this Act, shall apply to every such by-law.

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## SCHEDULE A.

### (Section 1.)

That portion of the township of Westminster in the county of Middlesex, which is described as follows, that is to say, commencing at the intersection of the south branch of the river Thames by the centre line of the original road allowance between lots numbers twenty-four and twenty-five in the broken front concession of the said township of Westminster; thence southerly along the centre of said road allowance between lots number twenty-four and twenty-five to a point distant twenty chains northerly from the northerly limit of the base line; thence westerly parallel to the base line to the centre of Hamilton street; thence southerly along the centre of Hamilton street to the centre of Chester street; thence westerly along the centre of Chester street and the continuation in a straight line thereof to the centre of the Wortley road; thence northerly along the centre of the Wortley road to the limit between lots numbers one and two west of the Wortley road; thence westerly along said last mentioned limit and the limit between lots numbers one and two east of the Wharncliffe road to the centre of the Wharncliffe road; thence northerly along the centre of the Wharncliffe road to the limit between lots numbers three and four west of the Wharncliffe road; thence westerly along said last mentioned limit to the centre of the cove or old channel of the river Thames; thence south-westerly, westerly and northerly along the centre of the said channel to the centre of the river Thames; thence along the centre of the river Thames and the south branch thereof against the stream to the place of beginning, together with so much of the said river as now lies between the city of London and the lands above described.

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## SCHEDULE B.

### (Section 6.)

1. At intersection of Bridge street and Wellington road.
2. At intersection of Hamilton row and Hamilton street.
3. At Wellington road near angle thereof.
4. At intersection of Hamilton street and \_\_\_\_\_ street.
5. At intersection of Hamilton street and Emery street.
6. At intersection of Queen street and Craig street.
7. At intersection of Queen street and Bruce street.
8. At intersection of Queen street and Hamilton row.
9. At intersection of Queen street and Gartfield avenue.
10. At intersection of Wortley road and Stanley street.
11. At intersection of Wortley road and Beaconsfield street.
12. At Wortley road midway from Alma and Beaconsfield street.



13. At intersection of Wortley road and Alma street.
14. At intersection of Wortley road and Askin street.
15. At intersection of Wortley road and Bruce street.
16. At intersection of Wortley road and James street.
17. At intersection of Wortley road and Victoria avenue.
18. At intersection of Wortley road and Tecumseh avenue.
19. At intersection of Wortley road and Langarth street.
20. At intersection of Wortley road and Wreay street.
21. At intersection of Becher street and Macbeth street.
22. At intersection of Beech street and Alma street.
23. At intersection of Askin street and Cynthia street.
24. At intersection of Askin street and Teresa street.
25. At intersection of Bruce street and Teresa street.
26. At intersection of Bruce street and Edward street.
27. At intersection of Elmwood avenue and Edward street.
28. At intersection of Elmwood avenue and Cathcart street.
29. At intersection of Tecumseh avenue and Edward street.
30. At intersection of Tecumseh avenue and Cathcart street.
31. At intersection of Langarth avenue and Cathcart street.
32. On Riverview street midway between each end thereof.
33. At intersection of Wharnccliffe highway and Stanley street.
34. At intersection of Wharnccliffe highway and Pipe Line road.
35. At intersection of Wharnccliffe highway and Maple street.
36. At intersection of Wharnccliffe highway and Alma street.
37. At intersection of Wharnccliffe highway and Askin street.
38. At intersection of Wharnccliffe highway and Bruce street.
39. At intersection of Wharnccliffe highway and Victoria avenue.
40. At intersection of Kent avenue and Pipe Line road.
41. On Centre street midway between each end thereof.

No. 25

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the City of London.

First Reading, 20th February, 1890.

(Private Bill).

MR. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting the City of London.

WHEREAS the corporation of the city of London have by <sup>Preamble.</sup> their petition prayed for special legislation in respect to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On, from and after the first day of May, 1890, that part of the township of Westminster, in the county of Middlesex, which is described in the schedule "A" to this Act, shall be <sup>Part of township of Westminster annexed to city of London.</sup> annexed to and form part of the city of London in the said county.

2. The said part of the said township of Westminster so added to the said city of London as aforesaid, shall be and become a ward of the said city, and shall be called and known as ward number six, and it shall be subject to and liable for the debts and obligations of the corporation of the said city of London now existing or which shall be in existence on the said first day of May, 1890, and shall also, subject to the provisions of section 5, be liable to the same rates for the payment thereof as the remainder of the said city. <sup>Part annexed to form ward of city.</sup>

3. It shall be the duty of the council of the said corporation to appoint immediately after the passing of this Act an assessor who shall be a resident of the said ward number six, to act in conjunction with the assessment commissioner of the said city in making the assessment for the year 1890 of that part of the said township of Westminster so to be added to the said city as aforesaid, and the assessment so made shall be the assessment of the said ward number six for the year 1890. <sup>Assessment of new ward.</sup>

4. Save as herein specially provided to the contrary thereof, all the provisions of *The Municipal Act* and amendments thereto, relating to lands added to a city and the matters and proceedings consequent thereon, shall apply to the said added part and to the addition of it to the said city of London. <sup>Municipal laws to apply.</sup>

5. For the period of fifteen years from the first day of January, 1890, the rate of general municipal taxation upon real and personal property within the said ward number six shall be less by six mills on the dollar than the rate for the remainder of the said city of London, and the assessment of property in the said ward number six shall be made upon the same basis of valuation as in the remainder of the said city. <sup>Rate of taxation in new ward.</sup>

Water mains  
to be laid in  
new ward.

**6.** It shall be the duty of the water commissioners for the said city of London, so soon as possible after the said first day of May, 1890, to cause to be laid water mains for domestic and fire purposes upon such streets in the said ward number six as will adequately protect the property in the said ward from fire, and to supply the inhabitants of the said ward with water for domestic purposes from their system, upon the same terms and subject to the same conditions as shall for the time being apply to the remainder of the said city of London and the inhabitants thereof, and that hydrants shall within seven months from the said first day of May, 1890, be placed in the said ward number six in the positions mentioned in the schedule "B" of this Act.

Lighting, and  
fire and police  
protection in  
new ward.

**7.** The corporation of the said city of London shall erect a joint fire and police station in the said ward number six, and provide in said ward a fire alarm service similar to that in the remainder of the said city, and shall within four months after the said first day of May, 1890, erect and place within the said ward electric or other lamps sufficient for the proper lighting of the said ward, and equally as good having regard to their situation and the nature of the locality as are supplied for the remainder of the said city.

Appropriation  
for public im-  
provements in  
new ward.

**8.** The said ward number six shall be entitled to its reasonable and just proportion of the appropriations from time to time made by the council of the said corporation for public improvements, police and fire protection and street lighting, out of which appropriations there shall be expended during the said fifteen years upon each street in the said ward a sum for repairs and improvements not less than the amount expended thereon as and for statute labor in the year 1889.

Certain  
moneys ex-  
pended by  
township of  
Westminster  
to be repaid.

**9.** There shall be collected upon the assessment for the said ward number six for the year 1890 only two-thirds of the amount which a rate struck according to the provisions of this Act would produce, together with a sum sufficient to re-imburse the corporation of the said township of Westminster the amount which shall have been expended by it between the first day of January, 1890, and the first day of May, 1890, within the said ward number six, and the corporation of the said city shall pay to the corporation of the said township the amount so expended by it, on or before the 31st day of December, 1890.

Public schools  
in new ward.

**10.** The public schools now existing in the said portion of the said township of Westminster shall after the said portion shall be added to the said city retain their present distinctive character, and the teachers who shall be employed therein shall not be paid less salaries than are now paid to them.

Aldermen in  
new ward.

**11.** Immediately after the said 1st day of May, 1890, there shall be elected for the said ward number six three aldermen.

Nomination  
for first elec-  
tion of alder-  
men.

**12.** The proceedings for the nomination and election of the said three aldermen shall be the same as if three aldermen of the said ward number six had vacated their offices, and a new election were being held to fill the vacancies so created.

13. Immediately after the said first day of May, 1890, there shall be elected for the said ward number six two public school trustees.

Election of school trustees in new ward.

14. The proceedings for the nomination and election of the said trustees shall be the same as if two trustees of the said ward number six had vacated their offices, and a new election were being held to fill the vacancies so created.

Nomination for first election of trustees.

15. The corporation of the said city of London may grant to the firm of E. Leonard & Sons, their heirs and assigns, the southerly thirty-three feet of York street east, between Waterloo and Colborne streets in fee simple, subject to the proviso and condition that the same shall revert to the said corporation as and for the purpose of a public highway, if the same shall at any time hereafter cease to be used for manufacturing purposes, and upon the same being so granted as aforesaid the said thirty-three feet of York street east aforesaid shall be vested in the said firm in fee simple, subject to the said proviso and condition, and to the terms of any agreement which may be entered into between the said corporation and the said firm.

Power to grant land to E. Leonard & Sons.

16. The council of the said corporation may by by-law enact that for the period of ten years from the first day of January, 1890, the real estate of the said firm of E. Leonard & Sons in the said city where their business is now carried on, including the said portion of the said street and the personal estate used and employed by them in their said business shall not be assessed at a greater sum in the aggregate than \$70,000 in any year.

Power to exempt property of E. Leonard & Sons from taxation.

17. Section 6 of the Act passed in the forty-first year of Her Majesty's reign intituled "*The London Waterworks Amendment Act of 1878*," is hereby repealed.

41 V., c. 27, s. 6, repealed.

18. Notwithstanding the provisions of any Act or law, the said corporation may borrow for any period not exceeding thirty years such sum not exceeding \$130,000 as to the council thereof may seem meet, and the moneys so borrowed shall form a fund for and be applied in extending the system of waterworks of the said city, and so far as it may not be necessary to use the same for that purpose, the said water commissioners shall pay the same over to the treasurer of the said city to be applied to the general purposes thereof, but such last mentioned application shall not be made to any greater extent than \$60,000, which represents the amounts paid by the said commissioners on capital account out of the revenues of the said waterworks.

Power to borrow \$130,000 for extension of waterworks.

19. Notwithstanding the provisions of any Act or law, the said corporation may borrow for any period not exceeding thirty years, such sums not exceeding \$40,000 as in the opinion of the council thereof may be from time to time required for erecting or adding to public school buildings within the said city.

Power to borrow \$40,000 for school purposes.

20. It shall not be necessary that any by-law for the purposes mentioned in the two preceding sections, or any of them,

Assent of electors not required.



shall be submitted to or receive the assent of the ratepayers of the said city, but all the other provisions of *The Municipal Act* and amendments thereto which are applicable, and which are not inconsistent with the provisions of this Act, shall apply to every such by-law.

Power to borrow \$20,000 to bonus manufactures.

**21.** Notwithstanding the provisions of any Act or law the corporation may borrow for any period not exceeding twenty years such sums not exceeding in the whole \$30,000 as may by by-law passed in accordance with the provisions of *The Municipal Act* be granted by way of bonus to any manufacturing establishment.

Rate of interest on debentures.

**22.** The debentures issued for any of the purposes mentioned in sections 18, 19 and 21 may bear such rate of interest not exceeding six per cent as the council of the corporation of the city of London may from time to time determine.

New ward to be part of East Riding of Middlesex.

**23.** For the purposes of the next ensuing election of members of the Legislative Assembly of Ontario the said ward No. 6 shall form a part of the Electoral District of the East Riding of Middlesex.

## SCHEDULE A.

### (Section 1.)

That portion of the township of Westminster in the county of Middlesex, which is described as follows, that is to say, commencing at the intersection of the south branch of the river Thames by the centre line of the original road allowance between lots numbers twenty-four and twenty-five in the broken front concession of the said township of Westminster; thence southerly along the centre of said road allowance between lots number twenty-four and twenty-five to a point distant twenty chains northerly from the northerly limit of the base line; thence westerly parallel to the base line to the centre of Hamilton street; thence southerly along the centre of Hamilton street to the centre of Chester street; thence westerly along the centre of Chester street and the continuation in a straight line thereof to the centre of the Wortley road; thence northerly along the centre of the Wortley road to the limit between lots numbers one and two west of the Wortley road; thence westerly along said last mentioned limit and the limit between lots numbers one and two east of the Wharncliffe road to the centre of the Wharncliffe road; thence northerly along the centre of the Wharncliffe road to the limit between lots numbers three and four west of the Wharncliffe road; thence westerly along said last mentioned limit to the centre of the cove or old channel of the river Thames; thence south-westerly, westerly and northerly along the centre of the said channel to the centre of the river Thames; thence along the centre of the river Thames and the south branch thereof against the stream to the place of beginning, together with so much of the said river as now lies between the city of London and the lands above described.

## SCHEDULE B.

(Section 6.)

1. At intersection of Bridge street and Wellington road.
2. At intersection of Hamilton row and Hamilton street.
3. At Wellington road near angle thereof.
4. At intersection of Hamilton street and                      street.
5. At intersection of Hamilton street and Emery street.
6. At intersection of Queen street and Craig street.
7. At intersection of Queen street and Bruce street.
8. At intersection of Queen street and Hamilton row.
9. At intersection of Queen street and *West avenue and Emery street.*
10. At intersection of Wortley road and Stanley street.
11. At intersection of Wortley road and Beaconsfield street.
12. At Wortley road midway from Alma and Beaconsfield street.
13. At intersection of Wortley road and Alma street.
14. At intersection of Wortley road and Askin street.
15. At intersection of Wortley road and Bruce street.
16. At intersection of Wortley road and James street.
17. At intersection of Wortley road and Victoria avenue.
18. At intersection of Wortley road and Tecumseh avenue.
19. At intersection of Wortley road and Langarth street.
20. At intersection of Wortley road and Wreay street.
21. At intersection of Becher street and Macbeth street.
22. At intersection of Beech street and Alma street.
23. At intersection of Askin street and Cynthia street.
24. At intersection of Askin street and Teresa street.
25. At intersection of Bruce street and Teresa street.
26. At intersection of Bruce street and Edward street.
27. At intersection of Elmwood avenue and Edward street.
28. At intersection of Elmwood avenue and Cathcart street.
29. At intersection of Tecumseh avenue and Edward street.
30. At intersection of Tecumseh avenue and Cathcart street.
31. At intersection of Langarth avenue and Cathcart street.
32. On Riverview street midway between each end thereof.
33. At intersection of Wharncliffe highway and Stanley street.
34. At intersection of Wharncliffe highway and Pipe Line road.
35. At intersection of Wharncliffe highway and Maple street.
36. At intersection of Wharncliffe highway and Alma street.
37. At intersection of Wharncliffe highway and Askin street.
38. At intersection of Wharncliffe highway and Bruce street.
39. At intersection of Wharncliffe highway and Victoria avenue.
40. At intersection of Kent avenue and Pipe Line road.
41. On Centre street midway between each end thereof.

No. 25

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the City of London.

First Reading, 20th February, 1890.

*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill).

MR. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting the City of London.

**W**HEREAS the corporation of the city of London have by Preamble.  
 their petition prayed for special legislation in respect to  
 the several matters hereinafter set forth; and whereas it is  
 expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. On, from and after the first day of May, 1890, that part Part of town-  
 of the township of Westminster, in the county of Middlesex, ship of West-  
 which is described in the schedule "A" to this Act, shall be minster an-  
 annexed to and form part of the city of London in the said nexed to city  
 county. of London.

2. The said part of the said township of Westminster so Part annexed  
 added to the said city of London as aforesaid, shall be and to form ward  
 become a ward of the said city, and shall be called and known of city.  
 as ward number six, and it shall be subject to and liable for  
 the debts and obligations of the corporation of the said city  
 of London now existing or which shall be in existence on the  
 said first day of May, 1890, and shall also, subject to the pro-  
 visions of section 5, be liable to the same rates for the pay-  
 ment thereof as the remainder of the said city.

3. It shall be the duty of the council of the said corpora- Assessment of  
 tion to appoint immediately after the passing of this Act an new ward.  
 assessor who shall be a resident of the said ward number six,  
 to act in conjunction with the assessment commissioner of the  
 said city in making the assessment for the year 1890 of that  
 part of the said township of Westminster so to be added to  
 to the said city as aforesaid, and the assessment so made  
 shall be the assessment of the said ward number six for the  
 year 1890.

4. Save as herein specially provided to the contrary thereof Municipal  
 all the provisions of *The Municipal Act* and amendments laws to apply  
 thereto, relating to lands added to a city and the matters and  
 proceedings consequent thereon, shall apply to the said added  
 part and to the addition of it to the said city of London.

5. For the period of fifteen years from the first day of Rate of taxa-  
 January, 1890, the rate of general municipal taxation upon tion in new  
 real and personal property within the said ward number six ward.  
 shall be less by six mills on the dollar than the rate for the  
 remainder of the said city of London, and the assessment of  
 property in the said ward number six shall be made upon the  
 same basis of valuation as in the remainder of the said city.

Water main  
to be laid in  
new ward.

6. It shall be the duty of the water commissioners for the said city of London, so soon as possible after the said first day of May, 1890, to cause to be laid water mains for domestic and fire purposes upon such streets in the said ward number six as will adequately protect the property in the said ward from fire, and to supply the inhabitants of the said ward with water for domestic purposes from their system, upon the same terms and subject to the same conditions as shall for the time being apply to the remainder of the said city of London and the inhabitants thereof, and that hydrants shall within seven months from the said first day of May, 1890, be placed in the said ward number six in the positions mentioned in the schedule "B" of this Act.

Lighting, and  
fire and police  
protection in  
new ward.

7. The corporation of the said city of London shall erect a joint fire and police station in the said ward number six, and provide in said ward a fire alarm service similar to that in the remainder of the said city, and shall within four months after the said first day of May, 1890, erect and place within the said ward electric or other lamps sufficient for the proper lighting of the said ward, and equally as good having regard to their situation and the nature of the locality as are supplied for the remainder of the said city.

Appropriation  
for public im-  
provements in  
new ward.

8. The said ward number six shall be entitled to its reasonable and just proportion of the appropriations from time to time made by the council of the said corporation for public improvements, police and fire protection and street lighting, out of which appropriations there shall be expended during the said fifteen years upon each street in the said ward a sum for repairs and improvements not less than the amount expended thereon as and for statute labor in the year 1889.

Certain  
moneys ex-  
pended by  
township of  
Westminster  
to be repaid.

9. There shall be collected upon the assessment for the said ward number six for the year 1890 only two-thirds of the amount which a rate struck according to the provisions of this Act would produce, together with a sum sufficient to re-imburse the corporation of the said township of Westminster the amount which shall have been expended by it between the first day of January, 1890, and the first day of May, 1890, within the said ward number six, and the corporation of the said city shall pay to the corporation of the said township the amount so expended by it, on or before the 31st day of December, 1890.

Aldermen in  
new ward.

10. Immediately after the said 1st day of May, 1890, there shall be elected for the said ward number six three aldermen.

Nomination  
for first elec-  
tion of alder-  
men.

11. The proceedings for the nomination and election of the said three aldermen shall be the same as if three aldermen of the said ward number six had vacated their offices, and a new election were being held to fill the vacancies so created.

Election of  
school trus-  
tees in new  
ward.

12. Immediately after the said first day of May, 1890, there shall be elected for the said ward number six two public school trustees.



13. The proceedings for the nomination and election of the said trustees shall be the same as if two trustees of the said ward number six had vacated their offices, and a new election were being held to fill the vacancies so created. Nomination for first election of trustees.

14. The corporation of the said city of London may grant to the firm of E. Leonard & Sons, their heirs and assigns, the southerly thirty-three feet of York street east, between Waterloo and Colborne streets in fee simple, subject to the proviso and condition that the same shall revert to the said corporation as and for the purpose of a public highway, if the same shall at any time hereafter cease to be used for manufacturing purposes, and upon the same being so granted as aforesaid the said thirty-three feet of York street east aforesaid shall be vested in the said firm in fee simple, subject to the said proviso and condition, and to the terms of any agreement which may be entered into between the said corporation and the said firm. Power to grant land to E. Leonard & Sons.

15. The council of the said corporation may by by-law enact that for the period of ten years from the first day of January, 1890, the real estate of the said firm of E. Leonard & Sons in the said city where their business is now carried on, including the said portion of the said street and the personal estate used and employed by them in their said business shall not be assessed at a greater sum in the aggregate than \$70,000 in any year. Power to exempt property of E. Leonard & Sons from taxation.

16. Section 6 of the Act passed in the forty-first year of Her Majesty's reign intitled "*The London Waterworks Amendment Act of 1878*," is hereby repealed. 41 V., c. 27.

17. Notwithstanding the provisions of any Act or law, the said corporation may borrow for any period not exceeding thirty years such sum not exceeding \$130,000 as to the council thereof may seem meet, and the moneys so borrowed shall form a fund for and be applied in extending the system of waterworks of the said city, and so far as it may not be necessary to use the same for that purpose, the said water commissioners shall pay the same over to the treasurer of the said city to be applied to the general purposes thereof, but such last mentioned application shall not be made to any greater extent than \$60,000, which represents the amounts paid by the said commissioners on capital account out of the revenues of the said waterworks. Power to borrow \$130,000 for extension of waterworks.

18. Notwithstanding the provisions of any Act or law, the said corporation may borrow for any period not exceeding thirty years, such sums not exceeding \$40,000 as in the opinion of the council thereof may be from time to time required for erecting or adding to public school buildings within the said city. Power to borrow \$40,000 for school purposes.

19. It shall not be necessary that any by-law for the purposes mentioned in the two preceding sections, or any of them, shall be submitted to or receive the assent of the ratepayers of the said city, but all the other provisions of *The Municipal Act* and amendments thereto which are applicable, and which Assent of electors not required.

are not inconsistent with the provisions of this Act, shall apply to every such by-law.

Ward No. 6  
w \$ 30,000  
bonus manu-  
factures

20. Notwithstanding the provisions of any Act or law the corporation may borrow for any period not exceeding twenty years such sums not exceeding in the whole \$30,000 as may by by-law passed in accordance with the provisions of *The Municipal Act* be granted by way of bonus to any manufacturing establishment.

Rate of  
interest on  
debentures.

21. The debentures issued for any of the purposes mentioned in sections 18, 19 and 21 may bear such rate of interest not exceeding six per cent as the council of the corporation of the city of London may from time to time determine.

New ward to  
be part of East  
Riding of  
Middlesex.

22. *Until after* the next ensuing *general* election of members of the Legislative Assembly of Ontario the said ward No. 6 shall form a part of the Electoral District of the East Riding of Middlesex.

## SCHEDULE A.

(Section 1.)

That portion of the township of Westminster in the county of Middlesex, which is described as follows, that is to say, commencing at the intersection of the south branch of the river Thames by the centre line of the original road allowance between lots numbers twenty-four and twenty-five in the broken front concession of the said township of Westminster; thence southerly along the centre of said road allowance between lots number twenty-four and twenty-five to a point distant twenty chains northerly from the northerly limit of the base line; thence westerly parallel to the base line to the centre of Hamilton street; thence southerly along the centre of Hamilton street to the centre of Chester street; thence westerly along the centre of Chester street and the continuation in a straight line thereof to the centre of the Wortley road; thence northerly along the centre of the Wortley road to the limit between lots numbers one and two west of the Wortley road; thence westerly along said last mentioned limit and the limit between lots numbers one and two east of the Wharncliffe road to the centre of the Wharncliffe road; thence northerly along the centre of the Wharncliffe road to the limit between lots numbers three and four west of the Wharncliffe road; thence westerly along said last mentioned limit to the centre of the cove or old channel of the river Thames; thence south-westerly, westerly and northerly along the centre of the said channel to the centre of the river Thames; thence along the centre of the river Thames and the south branch thereof against the stream to the place of beginning, together with so much of the said river as now lies between the city of London and the lands above described.

## SCHEDULE B.

*(Section 6.)*

1. At intersection of Bridge street and Wellington road.
2. At intersection of Hamilton row and Hamilton street.
3. At Wellington road near angle thereof.
4. At intersection of Hamilton street and                      street.
5. At intersection of Hamilton street and Emery street.
6. At intersection of Queen street and Craig street.
7. At intersection of Queen street and Bruce street.
8. At intersection of Queen street and Hamilton row.
9. At intersection of Queen street West and avenue and Emery street.
10. At intersection of Wortley road and Stanley street.
11. At intersection of Wortley road and Beaconsfield street.
12. At Wortley road midway from Alma and Beaconsfield street.
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30. At intersection of Tecumseh avenue and Cathcart street.
31. At intersection of Langarth avenue and Cathcart street.
32. On Riverview street midway between each end thereof.
33. At intersection of Wharnccliffe highway and Stanley street.
34. At intersection of Wharnccliffe highway and Pipe Line road.
35. At intersection of Wharnccliffe highway and Maple street.
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37. At intersection of Wharnccliffe highway and Askin street.
38. At intersection of Wharnccliffe highway and Bruce street.
39. At intersection of Wharnccliffe highway and Victoria avenue.
40. At intersection of Kent avenue and Pipe Line road.
41. On Centre street midway between each end thereof.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting the City of London.

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First Reading, 20th February, 1890.

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*(Reprinted as amended by Committee of  
Whole House.)*

(Private Bill.)

MR. MEREDITH.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting the City of London.

**W**HEREAS the corporation of the city of London have by Preamble.  
 their petition prayed for special legislation in respect to  
 the several matters hereinafter set forth; and whereas it is  
 expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

**1.** On, from and after the first day of May, 1890, that part Part of town-  
 of the township of Westminster, in the county of Middlesex, ship of West-  
 which is described in the schedule "A" to this Act, shall be minster an-  
 annexed to and form part of the city of London in the said nexed to city  
 county. of London.

**2.** The said part of the township of Westminster so Part annexed  
 added to the city of London as aforesaid, shall be and to form ward  
 become a ward of the said city, and shall be called and known of city.  
 as ward number six, and it shall be subject to and liable for  
 the debts and obligations of the corporation of the said city  
 of London now existing or which shall be in existence on the  
 said first day of May, 1890, and shall also, subject to the pro-  
 visions of section 5, be liable to the same rates for the pay-  
 ment thereof as the remainder of the said city.

**3.** It shall be the duty of the council of the said corpora- Assessment of  
 tion to appoint immediately after the passing of this Act an new ward.  
 assessor who shall be a resident of the said ward number six,  
 to act in conjunction with the assessment commissioner of the  
 said city in making the assessment for the year 1890 of that  
 part of the said township of Westminster so to be added to  
 to the said city as aforesaid, and the assessment so made  
 shall be the assessment of the said ward number six for the  
 year 1890.

**4.** Save as herein specially provided to the contrary thereof, Municipal  
 all the provisions of *The Municipal Act* and amendments laws to apply  
 thereto, relating to lands added to a city and the matters and  
 proceedings consequent thereon, shall apply to the said added  
 part and to the addition of it to the said city of London.

**5.** For the period of fifteen years from the first day of Rate of taxa-  
 January, 1890, the rate of general municipal taxation upon tion in new  
 real and personal property within the said ward number six ward.  
 shall be less by six mills on the dollar than the rate for the  
 remainder of the said city of London, and the assessment of  
 property in the said ward number six shall be made upon the  
 same basis of valuation as in the remainder of the said city.



Water mains  
to be laid in  
new ward.

**6.** It shall be the duty of the water commissioners for the said city of London, so soon as possible after the said first day of May, 1890, to cause to be laid water mains for domestic and fire purposes upon such streets in the said ward number six as will adequately protect the property in the said ward from fire, and to supply the inhabitants of the said ward with water for domestic purposes from their system, upon the same terms and subject to the same conditions as shall for the time being apply to the remainder of the said city of London and the inhabitants thereof, and hydrants shall within seven month from the said first day of May, 1890, be placed in the said ward number six in the positions mentioned in the schedule "B" of this Act.

Lighting, and  
fire and police  
protection in  
new ward.

**7.** The corporation of the said city of London shall erect a joint fire and police station in the said ward number six, and provide in said ward a fire alarm service similar to that in the remainder of the said city, and shall within four months after the said first day of May, 1890, erect and place within the said ward electric or other lamps sufficient for the proper lighting of the said ward, and equally as good having regard to their situation and the nature of the locality as are supplied for the remainder of the said city.

Appropriation  
for public im-  
provements in  
new ward.

**8.** The said ward number six shall be entitled to its reasonable and just proportion of the appropriations from time to time made by the council of the said corporation for public improvements, police and fire protection and street lighting, out of which appropriations there shall be expended during the said fifteen years upon each street in the said ward a sum for repairs and improvements not less than the amount expended thereon as and for statute labor in the year 1889.

Certain  
moneys ex-  
pended by  
township of  
Westminster  
to be repaid.

**9.** There shall be collected upon the assessment for the said ward number six for the year 1890 only two-thirds of the amount which a rate struck according to the provisions of this Act would produce, together with a sum sufficient to re-imburse the corporation of the said township of Westminster the amount which shall have been expended by it between the first day of January, 1890, and the first day of May, 1890, within the said ward number six, and the corporation of the said city shall pay to the corporation of the said township the amount so expended by it, on or before the 31st day of December, 1890.

Aldermen in  
new ward.

**10.** Immediately after the said 1st day of May, 1890, there shall be elected for the said ward number six, three aldermen.

Nomination  
for first elec-  
tion of alder-  
men.

**11.** The proceedings for the nomination and election of the said three aldermen shall be the same as if three aldermen of the said ward number six had vacated their offices, and a new election were being held to fill the vacancies so created.

Election of  
school trus-  
tees in new  
ward.

**12.** Immediately after the said first day of May, 1890, there shall be elected for the said ward number six two public school trustees.

**13.** The proceedings for the nomination and election of the said trustees shall be the same as if two trustees of the said ward number six had vacated their offices, and a new election were being held to fill the vacancies so created

Nomination for first election of trustees.

**14.** The corporation of the said city of London may grant to the firm of E. Leonard & Sons their heirs and assigns, the southerly thirty-three feet of York street east, between Waterloo and Colborne streets in fee simple, subject to the proviso and condition that the same shall revert to the said corporation as and for the purpose of a public highway, if the same shall at any time hereafter cease to be used for manufacturing purposes, and upon the same being so granted as aforesaid the said thirty-three feet of York street east aforesaid shall be vested in the said firm in fee simple, subject to the said proviso and condition, and to the terms of any agreement which may be entered into between the said corporation and the said firm.

Power to grant land to E. Leonard & Sons.

**15.** The council of the said corporation may by by-law enact that for the period of ten years from the first day of January, 1890, the real estate of the said firm of E. Leonard & Sons in the said city where their business is now carried on, including the said portion of the said street and the personal estate used and employed by them in their said business shall not be assessed at a greater sum in the aggregate than \$70,000 in any year.

Power to exempt property of E. Leonard & Sons from taxation.

**16.** Section 6 of the Act passed in the forty-first year of Her Majesty's reign intitled "*The London Waterworks Amendment Act of 1878*," is hereby repealed.

41 V., c. 27, s. 6, repealed.

**17.** Notwithstanding the provisions of any Act or law, the said corporation may borrow for any period not exceeding thirty years such sum not exceeding \$130,000 as to the council thereof may seem meet, and the moneys so borrowed shall form a fund for and be applied in extending the system of waterworks of the said city, and so far as it may not be necessary to use the same for that purpose, the said water commissioners shall pay the same over to the treasurer of the said city to be applied to the general purposes thereof, but such last mentioned application shall not be made to any greater extent than \$60,000, which represents the amounts paid by the said commissioners on capital account out of the revenues of the said waterworks.

Power to borrow \$130,000 for extension of waterworks.

**18.** Notwithstanding the provisions of any Act or law, the said corporation may borrow for any period not exceeding thirty years, such sums not exceeding \$40,000 as in the opinion of the council thereof may be from time to time required for erecting or adding to public school buildings within the said city.

Power to borrow \$40,000 for school purposes.

**19.** It shall not be necessary that any by-law for the purposes mentioned in the two preceding sections, or any of them, shall be submitted to or receive the assent of the ratepayers of the said city, but all the other provisions of *The Municipal Act* and amendments thereto which are applicable, and which

Assent of electors not required.

are not inconsistent with the provisions of this Act, shall apply to every such by-law.

Power to borrow \$30,000 to bonus manufactures.

**20.** Notwithstanding the provisions of any Act or law the corporation may borrow for any period not exceeding twenty years such sums not exceeding in the whole \$30,000 as may by by-law passed in accordance with the provisions of *The Municipal Act* be granted by way of bonus to any manufacturing establishment.

Rate of interest on debentures.

**21.** The debentures issued for any of the purposes mentioned in sections 17, 18 and 20 may bear such rate of interest not exceeding six per cent as the council of the corporation of the city of London may from time to time determine.

New ward to be part of East Riding of Middlesex.

**22.** Until after the next ensuing general election of members of the Legislative Assembly of Ontario the said ward No. 6 shall form a part of the Electoral District of the East Riding of Middlesex.

Township council to submit by-law as to annexation to electors.

**23.** Immediately after the passing of this Act the municipal council of the corporation of the said township of Westminster shall pass to its second reading a by-law affirming the expediency of the addition to the said city of London of that part of the said township of Westminster described in schedule A to this Act on the terms and conditions mentioned in this Act, and shall submit the said by-law to the vote of the electors of the said part of the said township of Westminster qualified to vote at municipal elections, and the voters' list to be used shall be that mentioned in section 128 of *The Municipal Act*.

Voting on by-law.

**24.** The voting on the said by-law shall take place on Monday, the 21st day of April 1890, and the provisions of *The Municipal Act* as to voting on by-laws requiring the assent of the electors which are applicable, except those relating to the persons entitled to vote, the oaths to be taken, which shall be the same as at municipal elections, and the period and manner of publishing the by-law and the voters' list to be used, as to all which the provisions of this Act shall govern, shall apply to the voting on the said by-law.

Publication of by-law.


**25.** It shall be sufficient publication of the said by-law if a copy hereof with a notice of the time and place of the taking of the vote thereon be published in a public newspaper published in the said city of London twice a week after the passing of the said by-law until the day fixed for taking the said vote.


Upon assent of electors council to pass by-law.



**26.** If the said by-law shall receive the assent of a majority of the municipal electors voting thereon as hereinbefore provided sections 1 to 13 both inclusive and sections 22 of this Act shall go into effect, and it shall be the duty of the said municipal council of the corporation of the township of Westminster within ten days after the said vote shall have been taken, to finally pass the said by-law.



Act not to go into effect until electors assent.

**27.** If the said by-law shall not receive the assent of the electors, the sections of this Act mentioned in the next preceding section shall not go into effect.

 **28.** The said by-law when and as finally passed as afore- Integro with  
 said, shall be valid and binding notwithstanding any want of in form not to  
 substance or form either in the by-law itself or in the time and invalidate  
 manner of passing the same. by-law.

 **29.** If the said by-law shall not for any reason be finally Provision in  
 passed before the first day of May next the coming into force case by-law  
 of the sections of the said Act which are to come into force on not finally  
 that day shall take place on the day when the said by-law is passed by  
 finally passed. May 1st.

 **30.** A copy of the said by-law with a certificate of the Copy of by-  
 clerk of the said township of Westminster, that the said by- law when  
 law was finally passed, and of the day of the final passing passed to be  
 thereof, shall be deposited in the office of the Provincial Secre- filed with  
 tary, and the same when so deposited shall be deemed con- Provincial  
 clusive evidence that the conditions upon which the sections of Secretary.  
 this Act mentioned in section 26 were to go into effect have  
 been complied with, and it shall be the duty of the Provincial  
 Secretary to give notice in the *Ontario Gazette* accordingly  
 that the said sections came into force on the day of the passing  
 of the said by-law. 

 **31.** The costs of the submission of the said by-law to and Costs of sub-  
 voting on it by the electors shall be paid by the municipal mitting by-  
 council of the corporation of the said township of Westminster law.  
 and shall be repaid to it by the corporation of the said city of  
 London on demand. 

## SCHEDULE A.

### (Section 1.)

That portion of the township of Westminster in the county of Middlesex, which is described as follows, that is to say, commencing at the intersection of the south branch of the river Thames by the centre line of the original road allowance between lots numbers twenty-four and twenty-five in the broken front concession of the said township of Westminster; thence southerly along the centre of said road allowance between lots number twenty-four and twenty-five to a point distant twenty chains northerly from the northerly limit of the base line; thence westerly parallel to the base line to the centre of Hamilton street; thence southerly along the centre of Hamilton street to the centre of Chester street; thence westerly along the centre of Chester street and the continuation in a straight line thereof to the centre of the Wortley road; thence northerly along the centre of the Wortley road to the limit between lots numbers one and two west of the Wortley road; thence westerly along said last mentioned limit and the limit between lots numbers one and two east of the Wharncliffe road to the centre of the Wharncliffe road; thence northerly along the centre of the Wharncliffe road to the limit between lots numbers three and four west of the Wharncliffe road; thence westerly along said last mentioned limit to the centre of the cove or old channel of the river Thames; thence



south-westerly, westerly and northerly along the centre of the said channel to the centre of the river Thames; thence along the centre of the river Thames and the south branch thereof against the stream to the place of beginning, together with so much of the said river as now lies between the city of London and the lands above described.

## SCHEDULE B.

(Section 6.)

1. At intersection of Bridge street and Wellington road.
2. At intersection of Hamilton row and Hamilton street.
3. At Wellington road near angle thereof.
4. *On Hamilton street about midway between Hamilton Row and Emery Street.*
5. At intersection of Hamilton street and Emery street.
6. At intersection of Queen street and Craig street.
7. At intersection of Queen street and Bruce street.
8. At intersection of Queen street and Hamilton row.
9. At intersection of Queen street West and avenue and Emery street.
10. At intersection of Wortley road and Stanley street.
11. At intersection of Wortley road and Beaconsfield street.
12. At Wortley road midway from Alma and Beaconsfield street.
13. At intersection of Wortley road and Alma street.
14. At intersection of Wortley road and Askin street.
15. At intersection of Wortley road and Bruce street.
16. At intersection of Wortley road and James street.
17. At intersection of Wortley road and Victoria avenue.
18. At intersection of Wortley road and Tecumseh avenue.
19. At intersection of Wortley road and Langarth street.
20. At intersection of Wortley road and Wreay street.
21. At intersection of Becher street and Macbeth street.
22. At intersection of Beech street and Alma street.
23. At intersection of Askin street and Cynthia street.
24. At intersection of Askin street and Teresa street.
25. At intersection of Bruce street and Teresa street.
26. At intersection of Bruce street and Edward street.
27. At intersection of Elmwood avenue and Edward street.
28. At intersection of Elmwood avenue and Cathcart street.
29. At intersection of Tecumseh avenue and Edward street.
30. At intersection of Tecumseh avenue and Cathcart street.
31. At intersection of Langarth avenue and Cathcart street.
32. *On Riverview street midway between each end thereof.*
33. At intersection of Wharnccliffe highway and Stanley street.
34. At intersection of Wharnccliffe highway and Pipe Line road.
35. At intersection of Wharnccliffe highway and Maple street.
36. At intersection of Wharnccliffe highway and Alma street.
37. At intersection of Wharnccliffe highway and Askin street.
38. At intersection of Wharnccliffe highway and Bruce street.
39. At intersection of Wharnccliffe highway and Victoria avenue.
40. At intersection of Kent avenue and Pipe Line road.
41. *On Centre street midway between each end thereof.*





No. 25.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act respecting the City of London.

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First Reading, 20th February, 1890.  
Second " 17th March.

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*(Reprinted as again amended by Committee  
of Whole House.)*

(Private Bill.)

MR. MEREDITH.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the Ontario and Sault Ste. Marie  
Water, Light and Power Company, and the Town of  
Sault Ste. Marie.

**W**HEREAS the Ontario and Sault Ste. Marie Water, Light and Power Company, hereinafter called the company, and the corporation of the town of Sault Ste. Marie, hereinafter called the corporation, have petitioned praying that an Act may be passed to confirm and legalize an agreement made and entered into by and between the said company and other parties therein named of the first part, and the said corporation of the second part, on the ninth day of December, A.D. 1889, and a by-law of the said corporation, passed on the 14th day of January, A.D. 1890, entitled "By-law No. 157, to aid the Ontario and Sault Ste. Marie Water, Light and Power Company, and to provide for subscribing to and taking stock in said company, and to provide for the issue and sale of debentures to the amount of \$105,000 to pay for the stock so to be subscribed for and taken," a copy of which agreement and by-law is contained in the schedules "A" and "B" to this Act; and whereas the said company and the said corporation, by their said petition, have represented that it is to the advantage of the said corporation, as well as just and right, that the said agreement and the said by-law number 157 should be ratified, legalized and confirmed, and that the said company and corporation should be granted such legislation as may be proper and necessary to enable them respectively to carry the said agreement and by-law into effect; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The words "company" and "corporation" where occurring in this Act mean respectively The Ontario and Sault Ste. Marie Water, Light and Power Company, and the corporation of the town of Sault Ste. Marie, unless a contrary intention appears.

Interpretation of "company" and "corporation."

2. It shall be lawful for the said corporation to subscribe for and take stock in the company and pay all calls which may be duly made thereon to the extent and in the manner provided in the agreement, schedule "A" hereto, and the by-law number 157 schedule "B" hereto.

Town may take stock in company.

3. The said agreement made the ninth day of December, A.D. 1889, between The Ontario and Sault Ste. Marie Water, Light and Power Company, and James Conmee, Robert Bald-

Agreement of 9th December, 1889, confirmed.

win Hamilton, John James Kehoe, William Henry Plummer, Henry Coulthard Hamilton, and Nathan M. Neeld, of the first part, and the corporation of the town of Sault Ste. Marie, of the second part, in the preamble of this Act mentioned, and which said agreement is set out in the schedule "A" to this Act, is hereby confirmed except in so far as it relates to the qualification of directors to be elected by the electors of the said town of Sault Ste. Marie and the council of the corporation of said town, and is declared to be valid and binding upon the said corporation, and the said other parties thereto, and upon all other persons interested therein notwithstanding anything in any Act to the contrary contained.

By-law No. 157 confirmed.

4. The by-law number 157 of the corporation of the town of Sault Ste. Marie entitled as in the preamble to this Act recited, and which said by-law is set out in the schedule "B" to this Act, is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said town of Sault Ste. Marie, and the ratepayers thereof notwithstanding anything in any Act to the contrary contained.

Rights and liabilities of corporation as to stock subscribed for.

5. The said corporation shall, after having subscribed for and taken stock in the said company in manner provided in said agreement and by-law, through the mayor under the corporate seal of the said town, become and be and remain liable with reference to the stock so subscribed for and taken in the company in all respects as an individual would be, and shall, subject to the provisions of said agreement (schedule "A") possess the same rights and privileges as such individual shareholder.

Board of directors, how elected.

6. The board of directors of the said company shall, after the passing of this Act, and after the subscription to the capital stock of the company shall have been made by the corporation pursuant to the said agreement and by-law number 157 consist of (1) the mayor or other head of the said town of Sault Ste. Marie for the time being, or such other member of the council of the said town as the said council may by by-law appoint as hereinafter provided. (2) Four directors to be elected annually by the municipal electors of the town of Sault Ste. Marie, as also hereinafter provided. (3) One director representing those persons who constituted the company on the ninth day of December, 1889, so long as such persons are entitled to distinct representation on the board of directors of the company under the terms of said agreement, (Schedule "A") and all other persons and corporations holding stock in the said company other than the persons and corporation mentioned in said agreement, shall be entitled to be represented on the said board of directors, and to elect annually one director for the first \$50,000 or under of the capital stock of the company which may be subscribed for and held by them, and one director for each additional \$50,000 or fraction thereof of such capital stock which may be so subscribed for and held by them.

7. No person who is a member of the council of the town of Sault Ste. Marie shall be qualified to be elected on behalf of the said corporation by the municipal electors under the provisions of the said agreement and of this Act as a director of the said company, and no person whomsoever shall be so qualified unless such person resides within the corporation, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the age of 21 years, and is not disqualified under this Act, and has, and whose wife has, at the time of the election as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal or partly equitable, rated in his own name, or in the name of his wife on the last revised assessment roll of the said corporation to at least the value following, over and above all charges, liens and encumbrances affecting the same, freehold \$600, or leasehold \$1,200; but no person having, by himself or his partner, an interest in any contract with the company, shall be qualified to be a director of the said company.

Qualification  
of directors to  
be elected by  
municipality

8. A meeting of the electors entitled to vote at municipal elections in the town of Sault Ste. Marie shall take place, for the nomination of candidates for the office of municipal directors of the company, within one month after the subscription to the capital stock of the company by the corporation shall have been made under and in pursuance of the provisions of the said agreement and by-law and under the provisions of this Act, upon a day to be named and appointed by by-law to be passed by the said council; and if at such time a poll is demanded, the election shall be adjourned to and take place one week from the day of such nomination, and thereafter the nomination for such directors shall take place on the last Monday in February in each year, and if at such time a poll is required, the proceedings for filling such offices shall be adjourned until the first Monday in the month of March following, when a poll shall be opened in each ward for the election of said directors

Nomination  
of municipal  
directors.

9. The election of directors by the shareholders of the company other than the corporation shall take place annually at a meeting of such shareholders, which shall be held on the second Monday in the month of March in each year, and the provisions of chapter 164 R. S. O., 1887, shall apply, as nearly as may be, to said election.

Election of  
directors by  
shareholders.

10. The council of the corporation may, if they think fit, at their first meeting in any year after the annual election of the four directors of the company by the municipal electors by by-law appoint any member of the said council other than the mayor of the town of Sault Ste. Marie, a director of the company, but in default of such appointment the mayor or other head of the said town for the time being shall be such director for the ensuing year.

Appointment  
of director by  
town council.

11. The directors elected as hereinbefore provided by the electors of the said town of Sault Ste. Marie, the director appointed by or representing the council of the corporation of said town, and those elected by the private stockholders of said company, shall hold their first meeting at two o'clock in the afternoon on the third Monday of the month of March

First meeting  
of directors.



following their election, or some day thereafter, and elect from among themselves a president and such other officers as the by-laws of the company require, and before entering on the duties of their office the directors elected by the said electors as aforesaid, and the director appointed by or representing the said council, shall make and subscribe a solemn declaration to the effect set out in schedule "C" to this Act before some court judge, police magistrate, or other justice of the peace having jurisdiction in the municipality of the town of Sault Ste. Marie. 10

Directors,  
term of office  
and powers of.

**12.** The directors of the company so to be elected as aforesaid shall hold office from the third Monday in March of the year in which they are elected until the third Monday of March in the year following their election, or until their successors are elected, and shall have and may exercise all the powers conferred upon the company and the directors thereof under the provisions of the Acts chaptered 164 and 165 of the Revised Statutes of Ontario, 1887, and the Act passed by the Legislative Assembly of the Province of Ontario in the 52nd year of Her Majesty's reign, Chaptered 88, intituled "An Act respecting the Ontario and Sault Ste. Marie Water, Light and Power Company and the Town of Sault Ste. Marie," and any provisions of the said last-mentioned Act which are inconsistent with or repugnant to the provisions of the said agreement schedule "A" hereto, and by-law, schedule "B" hereto, are hereby repealed. 15 20 25

Provision for  
filling vacancies  
in office  
of director.

**13.** In case a person elected as such municipal director neglects or refuses to accept office, or to make the necessary declaration of office, or in case the office of director becomes vacant by resignation, death, judicial decision or otherwise, the head of the council of the said corporation for the time being, by warrant under his signature, shall require the returning officer and deputy-returning officer or officers appointed to hold the last election of said directors, or any other person duly appointed to these offices, to hold a new election to fill the place of the person neglecting or refusing, as aforesaid, or to fill the vacancy. 30 35

Issue of  
debentures to  
pay calls on  
stock held by  
town.

**14.** It shall and may be lawful for the council of the corporation from time to time, or at any time, to pass a by-law or by-laws, with the assent of the ratepayers entitled to vote on by-laws creating debts, providing for the issue and sale of debentures of the corporation, to pay calls which may be made from time to time upon the stock subscribed for and taken by the corporation in the company to the full amount necessary, to pay for the whole of the stock subscribed and taken by the corporation in the company, or any part thereof. 40 45

Application of  
dividends,  
etc., received  
by town.

**15.** All dividends, bonuses and other moneys or income which may in any year be payable by the company to the corporation in respect of the stock of the company subscribed for and held by the corporation, shall be collected, set apart and kept in a separate account by the corporation, to be known as "The Water, Power and Light Works Debenture Account," and when so collected shall, as occasion requires, be applied in and towards the payment of the amount of the annual interest payable, and providing the amount of the annual 50 55

sinking fund which it may be necessary to provide in any year under the said by-law number 157 or any other by-law or by-laws which may be at any time hereafter passed under the provisions of the last preceding section of this Act, and the said annual amount required to be raised under and in pursuance of the provisions of said by-law number 157 and of any such other by-law or by-laws shall form a first lien and charge upon all dividends and other income which the corporation may derive from the company and from the capital stock thereof held by the corporation.

16. In determining the limit of the powers of the council of the corporation of the town of Sault Ste. Marie as regards the imposition of yearly rates under the provisions of *The Municipal Act*, the amount of the debt incurred under the provisions of the said by-law number 157, and of any by-law or by-laws which may be hereafter passed by said council under the provisions of this Act, shall not be counted as part of the general debenture debt of the said town, and any special general rate which may be required to be imposed in any year upon the whole ratable property in the said town to provide for the balance of interest and sinking fund required in any such year after applying thereto the dividends, bonuses and other moneys and income payable to the corporation by the company in respect of the stock subscribed for and held by the corporation in the company, or otherwise howsoever, may be so imposed notwithstanding any limit of yearly rates for municipal purposes imposed by *The Municipal Act*, or any other statutory enactment in that behalf.

Debt incurred under Act not to be deemed part of general debentures debt in determining limits of taxation. Rev. Stat. c. 184.

17. The annual general meeting of the shareholders of said company shall be holden the first Monday in February in each year to receive the report of the directors, and to transact such other business as may be properly brought before the shareholders for action.

Annual meeting of shareholders.

18. At any general, special or other meeting of the shareholders of the said company, the said four directors elected by the electors of the said corporation, and the director representing the council of the town of Sault Ste. Marie, shall, at such meeting, represent the said corporation and be entitled to as many votes as said corporation would be entitled to thereat, but at such meeting said directors shall so vote as a board of directors by resolution duly to be passed, and the vote of each individual director shall, at every such meeting, be recorded in the minutes thereof.

Representation of corporation at annual meeting.

19. The directors of the said company may at any time, or from time to time, pass a by-law or by-laws for creating and issuing any part of the capital stock as preference stock, guaranteeing such a dividend thereon as they deem expedient and advisable, and giving said stock such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the said by-law, and no such by-law shall have any force or effect whatever until it has been sanctioned by a vote of the ratepayers of the said town of Sault Ste. Marie entitled to vote on by-laws as in this Act provided.

Preference stock.

Certain provisions incorporated with Act.

**20.** The provisions of chapter 164 of the Revised Statutes of Ontario, 1887, shall be, and the same are hereby incorporated with this Act, so far as the provisions thereof may be applicable and not inconsistent with the clauses hereof and in regard to procedure in case of a conflict between the provisions of the Acts relating to Joint Stock Companies, the terms and provisions of said Act chapter 164 of the Revised Statutes of Ontario, 1887, shall prevail in so far as may be. 5

Stock book.

**21.** It shall and may be lawful for the said company, from 10 and after the passing of this Act, to open a new stock book, and it is hereby authorized so to do, and the present stock book of said company setting forth the subscription to stock heretofore made is hereby cancelled, and the subscribers thereto are hereby relieved from any liability as to the payment of 15 said stock so subscribed.

Protection of company and directors from liability.

**22.** The said company and the directors and shareholders thereof, and all other officers connected therewith, are hereby relieved from any and all penalties or liability that may have been incurred by reason of any neglect or omission to comply 20 with any of the provisions of any Act relating to, or in any manner whatsoever affecting the said company, and the corporate powers, rights and privileges of said company, shall not be forfeited by reason of any such neglect or omission as aforesaid. 25

Council may dispose of stock held by town.

**23.** The council of the said town of Sault Ste. Marie may at any time sell or dispose of the whole or any part of the stock subscribed by the said corporation in the said company on such terms and conditions as may be deemed advisable to said council, but no such sale or disposal of said stock, or any 30 portion thereof shall be made without the assent of the ratepayers of the said town first had and obtained to a by-law for the sale of such stock, or portion of same, and in submitting the said by-law to the said ratepayers, two or more alternative schemes may be so submitted, and such scheme as 35 receives the votes of the majority of the ratepayers entitled to vote thereon shall be declared carried.

(2) Any person shall be entitled to vote on the said by-law for the sale of said stock who is entitled to vote on by-laws creating debts requiring the assent of the ratepayers under *The Municipal Act*. 40

Complaints against directors representing town to be heard by district judge.

**24.** If at any time twenty-five freehold ratepayers of the town of Sault Ste. Marie present a petition to the judge of the district court of Algoma, complaining of the neglect or misconduct of the directors of the said company elected by the electors of the said corporation, or appointed by or representing 45 the said council, in any matter relating to the duties of their office, or to their election, then the said judge may examine, in a summary way, into the said complaint, and investigate the same, and may, for the purposes of such investigation, examine witnesses upon oath, and issue subpoenas to compel the attendance of same, and the production of all documents, letters, 50 books or other papers.

(2) The said ratepayers shall, at the time of presenting the said petition, deposit with the clerk of the district court of the



district of Algoma the sum of \$200 as security for costs, subject to the control and order of said judge, and said judge may, in his discretion, award to the said petitioners, or to the said directors, or director complained against, any sum for his or  
 5 their costs that he may think fit.

(3) The said judge shall have the power to declare by his order any one or more of the said directors to be unseated from office, and a new election to take place to fill the vacancy or vacancies so created.

10 (4) The provisions of *The Municipal Act* relating to "controversed elections" and "the prevention of corrupt practices" shall, as nearly as may be, apply to the said investigation and to the conduct of the said directors and the powers conferred by *The Municipal Act* on a judge of the high court as to  
 15 municipal elections, are hereby fully conferred on the said district judge as to election of directors of the said corporation under this Act, and his decision shall be final.

25 25. The treasurer of said company appointed by the directors thereof, before entering on the duties of his office, shall give such security for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys that may come into his hands; and it shall be the duty of every council of the said town of Sault Ste. Marie in each and every year to enquire into the sufficiency of the security given by such treasurer and report thereon.

Security to be given by treasurer of company.

30 26. Any expenditure made by said company, other than that for the development of said water, power, water works and electric light works, and the construction of the necessary works and maintenance of same, shall be by and with the assent of the ratepayers of said town, and a by-law for such purpose shall be first approved of by them, submitted in the usual manner, before any such expenditure is made.

Assent of electors required to certain expenditure.

35 27. For the year 1890, at the first regular meeting of the council of the town of Sault Ste. Marie held after the first election of the directors by the electors of the said town, the said council shall by by-law appoint from among themselves one director on behalf of the said corporation, and within two weeks from the said election by the electors as aforesaid, the shareholders other than the said corporation shall elect their  
 40 director or directors, and all the directors thus appointed or elected shall meet within four weeks from the date of such election by the said electors, on a day to be named by the by-law passed by the council fixing the time for holding the first election of municipal directors.

## SCHEDULE A.

### (Section 3.)

Memorandum of agreement made this ninth day of December, A.D. 1889, between the Ontario and Sault Ste. Marie Water, Light and Power Company and James Conmee, Robert Baldwin Hamilton, John James Kehoe, William Henry Plummer, Henry Coulthard Hamilton and Nathan M. Neeld of the first part, and the Corporation of the Town of Sault Ste. Marie of the second part ;

Witnesseth that the parties of the first and second parts hereby mutually covenant and agree to and with each other and in the manner and form following, that is to say:—

1. That there be allotted to the town of Sault Ste. Marie \$210,000 of the Ontario and Sault Ste. Marie Water, Light and Power Company stock.

2. That the said The Ontario and Sault Ste. Marie Water, Light and Power Company be paid \$25,000 within three months from the date hereof, and that sufficient stock, 50% paid up, be allotted to the members of the said company to meet the amount expended by them in excess of the said \$25,000, and that the said company and members thereof agree within one year from the date hereof to transfer such stock, save and excepting \$5,000 thereof, to the said corporation of the town of Sault Ste. Marie, upon payment of the amount paid up thereon and interest thereon at 7% from the date hereof until time of payment, and the said town of Sault Ste. Marie agree to accept said stock and pay the said amount and interest as aforesaid within one year.

3. That the balance of the stock of the said company be placed in the treasury to be allotted as the directors may see fit.

4. That all lands and plant purchased by the said company or the members thereof, namely, The Hudson Bay property The Higgins property, The Ontario Government lands and the electric light plant, be owned by the (new) company subject to the incumbrances thereon, and that the actual cash paid on account and in respect of said lands and plant, and all expenses of and incident thereto and incidental to the said scheme paid by the present members of the said company after being paid the said \$25,000, be credited on account of the stock allotted to them to the extent of \$25,000 if sufficient and further that in case of dispute as to the amount disbursed by them, the same be referred to arbitrators in the usual manner whose award shall be final and conclusive.

5. That the said corporation shall elect four directors in a manner similar to the election of councillors annually, whose qualifications for office shall be the same as that of councillors in town, and the council of said town shall appoint one director from the council board, but the council shall not have two directors on said board.

6. That there shall be one director to represent the present members of the said company, and who shall cease to be such director as soon as the said stock is paid and transferred.

7. That all existing agreements between the said company and said corporation be cancelled and become null and void.

8. That all persons or corporations who subscribe for stock in the said company shall be entitled to elect one director for the first \$50,000 stock held by them or under \$50,000 by them subscribed, and one director for each \$50,000 over the first \$50,000 stock so subscribed.

9. The said parties of the first part hereby agree to maintain in its present power the electric light system of the town until such time as all plant and property are transferred to the said new company.



This agreement is subject to special legislation to be obtained by the said town confirming and authorising the carrying out of this proposed scheme which the town agrees to apply for forthwith.

Witness the hands and seals of the parties hereto.

[L.S.]	(Signed)	W. H. PLUMMER, <i>President.</i>
	(Signed)	HY. C. HAMILTON, <i>Secretary.</i>
		DONALD CAMERON, <i>Acting-Mayor.</i>
[L.S.]		H. J. MOOREHOUSE, <i>Town Clerk.</i>

## SCHEDULE B.

(Section 5.)

### BY-LAW No. 157.

A By-law to aid the Ontario and Sault Ste. Marie Water, Light and Power Company, and to provide for subscribing to and taking stock in said company, and to provide for the issue and sale of debentures to the amount of \$105,000, to pay for the stock so to be subscribed and taken.

Whereas there exists in connection with the St. Mary's River, at and near to and within the limits of the town of Sault Ste. Marie, water privileges and power which would be of great value to the said town and the inhabitants thereof if developed.

And whereas the Sault Ste. Marie Water, Light and Gas Company was incorporated under the provisions of chap. 164, Revised Statutes of Ontario, 1887, for the purpose of supplying the corporation of the town of Sault Ste. Marie and the inhabitants thereof with both water and light.

And whereas the said company found that by utilizing the said water privileges and developing the said water power, they could not only afford a better supply of both water and light at cheaper rates, but also furnish power for general business purposes, and that it would be to the advantage of the company as well as of the town and the inhabitants thereof, that the said water power should be developed.

And whereas doubts existed as to the power of the said company to acquire all the lands required for the development of the said water power, under the provision of the general Act, and thereafter to develop and operate the said water power, and also as to the authority of the municipality of the town of Sault Ste. Marie to aid and assist the company in the manner proposed by the company and corporation, as set forth in a certain by-law and agreement in that behalf, the said Sault Ste. Marie Water, Gas and Light Company applied for and obtained special legislation changing its name to the Ontario and Sault Ste. Marie Water, Light and Power Company, and also conferring on it such further and additional powers as it required for the acquisition and development and working of the said water power from the St. Mary's River, as set forth in the Act

passed by the Legislative Assembly of the Province of Ontario in the 52nd year of the reign of Her Majesty, chaptered 88.

And whereas the said company have acquired all the land and land covered with water, and the water privileges within the limits of the said town of Sault Ste. Marie, and have invested in such purchase and in the construction of the electric light works large sums of money, but are unable to fully develop the said water power and complete the said waterworks without assistance.

And whereas it is necessary in the interest of the said town of Sault Ste. Marie and the inhabitants thereof, that the said waterworks should be completed, and that the said water power should be developed and utilized with as little delay as possible, and the corporation of the said town of Sault Ste. Marie are desirous of aiding the said company by subscribing to and taking stock therein, and for that purpose have, subject to the approval of this by-law, by the vote of the duly qualified electors, agreed to subscribe to the capital stock of the said company and take stock in the said company to the amount of \$210,000, upon the terms and conditions set out in an agreement made and entered into between the said municipal corporation and company, bearing date the ninth day of December, A.D. 1889.

And whereas it is desirable and necessary to raise the sum of \$105,000, to pay on the stock so to be subscribed for and taken in the said company by the said corporation, by the issue and sale of the debentures of the said town of Sault Ste. Marie, payable at the expiration of thirty years with interest, as hereinafter provided.

And whereas it will require the sum of \$5,250 to be raised annually for a period of thirty years, the currency of the debentures to be issued under and by virtue of this by-law to pay the interest of the said debt, and the sum of \$1,721.06 to be raised annually during the same period, for forming a sinking fund for the payment of the debt created by this by-law at the end of the said period of thirty years when the said debentures shall have matured, making in all the sum of \$6,971.06, to be raised annually by special rate sufficient therefor upon all ratable property of the municipality of Sault Ste. Marie during the period of thirty years, the currency of said debentures.

And whereas according to the last revised assessment roll of the said town of Sault Ste. Marie, being for the year 1889, the amount of the whole ratable property of the said municipality of the town of Sault Ste. Marie is the sum of \$1,143,437.

And whereas the amount of the existing debenture debt of the said municipality of the town of Sault Ste. Marie is the sum of \$32,300, and no part thereof, either as regards principal, moneys or interest, is in arrear,

Therefore the municipal council of the corporation of the town of Sault Ste. Marie, enacts as follows:—

1. It shall be lawful for the mayor of the town of Sault Ste. Marie for and on behalf of, and in the name of the corporation of the town of Sault Ste. Marie, and under the corporation seal of the said town, to subscribe for and take stock in the capital stock of the Ontario and Sault Ste. Marie Water, Light and Power Company, pursuant to and under the terms and conditions contained and set forth in the agreement made and entered into between the said corporation of the town of Sault

Ste. Marie and the said company, bearing date the ninth day of December, A.D. 1889, to the amount of \$210,000, nominal value of the capital stock of said company.

2. That it shall be lawful for the said mayor of the town of Sault Ste. Marie to raise by way of loan upon the security of the debentures of the said town of Sault Ste. Marie, hereinafter mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of one hundred and five thousand dollars (\$105,000), and to cause the same to be paid into the hands of the treasurer of the municipality, for the purposes and with the objects above recited.

3. That it shall be lawful for the said mayor of the town of Sault Ste. Marie to cause any number of debentures of the said town of Sault Ste. Marie to be made for such sums of money as may be required, not less than \$100 each, and not exceeding on the whole the sum of one hundred and five thousand dollars (\$105,000), as in the preceding section mentioned, and the said debentures shall be sealed with the seal of the said corporation, and be signed by the said mayor and countersigned by the treasurer of the municipality.

4. That the said debentures shall be made payable in thirty years from the date of the passing of this by-law, either in currency or sterling, in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of the interest.

5. That the said debentures shall bear interest at and after the rate, of five per cent. per annum from the date of the issue thereof, which interest shall be payable half yearly, on the first days of the months of February and August in each year, at the place the said debentures are made payable in this Province, Great Britain or elsewhere, as aforesaid.

6. That during thirty years the currency of the debentures to be issued under the authority of this by-law, the sum of \$5,250 shall be raised annually for the payment of interest on said debentures, and also the sum of \$1,721.06 shall be raised annually for the purpose of forming a sinking fund for the payment of principal of the said loan of \$105,000, in thirty years, according to the provisions of this by-law, making in all the sum of \$6,971.06 to be raised annually, as aforesaid, and that a special rate on the dollar upon the assessed value of all the ratable property in the town of Sault Ste Marie over and above all other rates and taxes, and which special rate shall be sufficient to produce in each year the said sum of \$6,971.06, is hereby imposed, and shall be raised, levied and collected in each year during the continuance of the said debentures for the purpose of paying the said sum of \$105,000, with interest thereon, as aforesaid.

7. That the said sum of \$105,000 when obtained, shall be applied for the purposes above specified, and according to the true intent and meaning of this by-law, and not otherwise.



8. That the debentures to be issued hereunder, shall contain a provision in the following words: This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer in the debenture registry book of the said corporation of the town of Sault Ste. Marie.

This by-law shall take effect on, from and after the twentieth day of January, in the year of our Lord one thousand eight hundred and ninety.

And it is further enacted by the said council of the said municipal corporation of the town of Sault Ste. Marie, that the votes of the electors of the said town will be taken on this by-law, by the returning and deputy returning officers hereinafter named, on the fourth day of January, 1890, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places:

Ward number one, at Neeld & Co's. office, by H. J. Moorehouse. Ward number two, at the old school house, by Charles Pim.

That on the third day of January, A.D. 1890, at the office of the clerk in the town of Sault Ste. Marie, at 11 o'clock in the forenoon, the mayor shall appoint in writing signed by him, two persons to attend to the final summing up of the votes by the clerk, and one person to attend to each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and the like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

That the clerk of the said municipal corporation shall attend at his office in the town of Sault Ste. Marie, at the hour of twelve o'clock noon, on the 7th day of January, A.D. 1890, to sum up the number of votes given for and against this by-law.

By-law read a first time, this 10th day of December, 1889.

(Signed) H. J. MOOREHOUSE,  
Town Clerk.

By-law read a second time this 10th day of December, 1889

H. J. MOOREHOUSE,  
Town Clerk.

Read a third time, passed, signed and sealed this 14th day of January, 1890.

Council Chamber, Sault Ste. Marie.

[L. S.]

E. BIGGINGS,  
Mayor.

H. J. MOOREHOUSE,  
Town Clerk.

#### SCHEDULE C.

(Section 11.)

I, *A. B.*, do solemnly declare that I am a natural born (or naturalized) subject of Her Majesty; and have and had to my

own use and benefit in my own right (or have and had in right of my wife, *as the case may be*) as proprietor (or tenant, *as the case may be*), at the time of my election (or appointment, *as the case may require*) to the office of

hereinafter referred to, such an estate as does qualify me to act in the office of  
for

and that such estate is (*the nature of the estate to be specified, as an equitable estate of leasehold or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise*), and that such estate at the time of my election (or appointment, *as the case may require*) was of the value of at least (*specifying the value*) over and above all charges, liens and incumbrances affecting the same, and I do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been elected (or appointed) and that I have not received, and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said company.



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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting the Ontario and Sault  
Ste. Marie Water, Light and Power Com-  
pany, and the Town of Sault Ste. Marie.

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First Reading,	1890.
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(Private Bill.)

MT. LYON.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the Ontario and Sault Ste. Marie Water, Light and Power Company, and the Town of Sault Ste. Marie.

**W**HEREAS the Ontario and Sault Ste. Marie Water, Light and Power Company, hereinafter called the company, and the corporation of the town of Sault Ste. Marie, hereinafter called the corporation, have petitioned praying that an Act may be passed to confirm and legalize an agreement made and entered into by and between the said company and other parties therein named of the first part, and the said corporation of the second part, on the ninth day of December, A.D. 1889, and a by-law of the said corporation, passed on the 14th day of January, A.D. 1890, entitled "By-law No. 157, to aid the Ontario and Sault Ste. Marie Water, Light and Power Company, and to provide for subscribing to and taking stock in said company, and to provide for the issue and sale of debentures to the amount of \$105,000 to pay for the stock so to be subscribed for and taken," a copy of which agreement and by-law is contained in the schedules "A" and "B" to this Act; and whereas the said company and the said corporation, by their said petition, have represented that it is to the advantage of the said corporation, as well as just and right, that the said agreement and the said by-law number 157 should be ratified, legalized and confirmed, and that the said company and corporation should be granted such legislation as may be proper and necessary to enable them respectively to carry the said agreement and by-law into effect; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The words "company" and "corporation" where occurring in this Act mean respectively The Ontario and Sault Ste. Marie Water, Light and Power Company, and the corporation of the town of Sault Ste. Marie, unless a contrary intention appears.

Interpretation of "company" and "corporation."

2. It shall be lawful for the said corporation to subscribe for and take stock in the company and pay all calls which may be duly made thereon to the extent and in the manner provided in the agreement, schedule "A" hereto, and the by-law number 157 schedule "B" hereto.

Town may take stock in company.

3. The said agreement made the ninth day of December, A.D. 1889, between The Ontario and Sault Ste. Marie Water, Light and Power Company, and James Conmee, Robert Bald-

Agreement of 9th December 1889, confirmed.

win Hamilton, John James Kehoe, William Henry Plummer, Henry Coulthard Hamilton, and Nathan M. Neeld, of the first part, and the corporation of the town of Sault Ste. Marie, of the second part, in the preamble of this Act mentioned, and which said agreement is set out in the schedule "A" to this Act, is hereby confirmed, except so much of the fifth clause thereof as relates to the qualification of directors to be elected by the electors of the said town of Sault Ste. Marie and the council of the corporation of said town, and is declared to be valid and binding upon the said corporation, and the said other parties thereto, and upon all other persons interested therein notwithstanding anything in any Act to the contrary contained.

Payment to  
present mem-  
bers.

Rev. Stat. c.  
184.

§ (2) Immediately after the passing of this Act and the re-organization of the company as hereinafter provided, the company shall, out of the first moneys which may be paid into the treasury thereof, on account of subscriptions to the capital stock thereof, or otherwise, pay to the said James Conmee, Robert Baldwin Hamilton, John James Kehoe, William Henry Plummer, Henry Coulthard Hamilton, and Nathan M. Neeld, the sum of \$25,000 mentioned in the said agreement (Schedule "A" hereto), as payable within three months from the date thereof, and shall, so soon as the total amount due to the said present members of the company for cash advances, interest on money advanced, and services rendered shall have been agreed on or ascertained by arbitration under the provisions of *The Municipal Act*, pursuant to the provisions of said agreement, allot to the present members of the company, namely, James Conmee, Robert Baldwin Hamilton, John James Kehoe, William Henry Plummer, Henry Coulthard Hamilton, and Nathan M. Neeld, respectively, capital stock of the said company, fifty per cent. paid up, to each, such amount as may be directed in writing, signed by all of said present members hereinbefore named, to satisfy any sum of money which may be coming to him under the terms of said agreement, and such stock so to be allotted shall not be further assessable until after the same shall have been acquired by, paid for, and transferred to the corporation of the town of Sault Ste. Marie, or its nominee under the provisions of said agreement; and it shall be lawful for the said corporation to endorse on said stock an undertaking to purchase and pay for said stock the amount actually paid thereon, together with interest on such amount, at the rate of seven per cent. per annum, from the 9th day of December, 1889, under the terms of said agreement (schedule "A" hereto.)

Issue of de-  
bentures of  
town author-  
ized.

§ (3) It shall and may be lawful for the council of the town of Sault Ste. Marie, to pass a by-law or by-laws providing for borrowing by the issue and sale of debentures of said town, such sums of money as may be required to enable the corporation to carry out the agreement on its part relating to the purchase and acceptance of capital stock of the company which may be allotted to present members of the company, as set forth in the second clause of the said agreement (schedule "A" hereto), and it shall not be necessary to obtain the assent of the electors of the town of Sault Ste. Marie, to such by-law or by-laws before the final passing thereof.

4. The by-law number 157 of the corporation of the town of Sault Ste. Marie entitled as in the preamble to this Act recited, and which said by-law is set out in the schedule "B" to this Act, is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said town of Sault Ste. Marie, and the ratepayers thereof notwithstanding anything in any Act to the contrary contained.

By-law No. 157 confirmed.

5. The said corporation shall, after having subscribed for and taken stock in the said company in manner provided in said agreement and by-law, through the mayor under the corporate seal of the said town, become and be and remain liable with reference to the stock so subscribed for and taken in the company in all respects as an individual would be, and shall, subject to the provisions of said agreement (schedule "A") and of this Act, possess the same rights and privileges as such individual shareholder.

Rights and liabilities of corporation as to stock subscribed for.

6. The board of directors of the said company shall, after the passing of this Act, and after the subscription to the capital stock of the company shall have been made by the corporation pursuant to the said agreement and by-law number 157 consist of (1) the mayor or other head of the said town of Sault Ste. Marie for the time being, or such other member of the council of the said town as the said council may by by-law appoint as hereinafter provided. (2) Four directors to be elected annually by the municipal electors of the town of Sault Ste. Marie, as also hereinafter provided. (3) One director representing those persons who constituted the company on the ninth day of December, 1889, so long as such persons are entitled to distinct representation on the board of directors of the company under the terms of said agreement, (Schedule "A"); and all other persons and corporations holding stock in the said company other than the persons and corporation mentioned in said agreement, shall be entitled collectively to be represented on the said board of directors, and to elect annually one director for the first \$50,000 or under of the capital stock of the company which may be subscribed for and held by them, and one director for each additional \$50,000 or fraction thereof of such capital stock which may be so subscribed for and held by them.

Board of directors, how elected.

7. No person who is a member of the council of the town of Sault Ste. Marie shall be qualified to be elected on behalf of the said corporation by the municipal electors under the provisions of the said agreement and of this Act as a director of the said company, and no person whosoever shall be so qualified unless such person resides within the corporation, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the age of 21 years, and is not disqualified under this Act, and has, or whose wife has, at the time of the election as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal or partly equitable, rated in his own name, or in the name of his wife on the last revised assessment roll of the said corporation to at least the value following, over

Qualification of directors to be elected by municipality



and above all charges, liens and encumbrances affecting the same, freehold \$600, or leasehold \$1,200; but no person having, by himself or his partner, an interest in any contract with the company, shall be qualified to be a director of the said company; ~~but~~ but the provisions of sub-section (1) of section 77 of *The Municipal Act*, shall not apply to such directors, or to candidates for election as such directors, so as to disqualify them from holding such office, and so much of the fifth clause of the said agreement (schedule "A" hereto), as relates to the qualification of directors is hereby rescinded.

Nomination  
of municipal  
directors.

8. A meeting of the electors entitled to vote at municipal elections in the town of Sault Ste. Marie shall take place, for the nomination of candidates for the office of municipal directors of the company, within one month after the subscription to the capital stock of the company by the corporation shall have been made under and in pursuance of the provisions of the said agreement and by-law and under the provisions of this Act, upon a day to be named and appointed by by-law to be passed by the said council; and if at such time a poll is demanded, the election shall be adjourned to and take place one week from the day of such nomination, and thereafter the nomination for such directors shall take place on the last Monday in February in each year, and if at such time a poll is required, the proceedings for filling such offices shall be adjourned until the first Monday in the month of March following, when a poll shall be opened in each ward for the election of said directors.

Election of  
directors by  
shareholders.

9. The election of directors by the shareholders of the company other than the corporation shall take place annually at a meeting of such shareholders, which shall be held on the second Monday in the month of March in each year, and the provisions of chapter 164 R. S. O., 1887, shall apply, as nearly as may be, to said election.

Appointment  
of director by  
town council.

10. The council of the corporation may, if they think fit, at their first meeting in any year after the annual election of the four directors of the company by the municipal electors by by-law appoint any member of the said council other than the mayor of the town of Sault Ste. Marie, a director of the company, but in default of such appointment the mayor or other head of the said town for the time being shall be such director for the ensuing year.

First meeting  
of directors.

11. The directors elected as hereinbefore provided by the electors of the said town of Sault Ste. Marie, the director appointed by or representing the council of the corporation of said town, and those elected by the private stockholders of said company, shall hold their first meeting at two o'clock in the afternoon on the third Monday of the month of March following their election, or some day thereafter, and elect from among themselves a president and vice-president and shall also appoint such other officers as the by-laws of the company require, and before entering on the duties of their office the directors elected by the said electors as aforesaid, and the director appointed by or representing the said council, shall make and subscribe a solemn declaration to the effect set out in schedule



"C" to this Act before some court judge, police magistrate or other justice of the peace having jurisdiction in the municipality of the town of Sault Ste. Marie.

12. The directors of the company so to be elected as aforesaid shall hold office from the third Monday in March of the year in which they are elected until the third Monday of March in the year following their election, or until their successors are elected, and shall have and may exercise all the powers conferred upon the directors thereof under the provisions of the Acts chaptered 164 and 165 of the Revised Statutes of Ontario, 1887, and the Act passed by the Legislative Assembly of the Province of Ontario in the 52nd year of Her Majesty's reign, Chaptered 88, intituled "An Act respecting the Ontario and Sault Ste. Marie, Water, Light and Power Company and the Town of Sault Ste. Marie," and any provisions of the said last-mentioned Act which are inconsistent with or repugnant to the provisions of the said agreement schedule "A" hereto, and by-law, schedule "B" hereto, are hereby repealed.

Directors,  
term of office  
and powers of

13. In case a person elected as such municipal director neglects or refuses to accept office, or to make the necessary declaration of office, or in case the office of director becomes vacant by resignation, death, judicial decision or otherwise, the head of the council of the said corporation for the time being, by warrant under his signature, shall require the returning officer and deputy-returning officer or officers appointed to hold the last election of said directors, or any other person duly appointed to these offices, to hold a new election to fill the place of the person neglecting or refusing, as aforesaid, or to fill the vacancy.

Provision for  
filling vacancies in office  
of director.

14.—(1) It shall and may be lawful for the council of the corporation from time to time, or at any time, to pass a by-law or by-laws, with the assent of the ratepayers entitled to vote on by-laws creating debts, providing for the issue and sale of debentures of the corporation, to pay calls which may be made from time to time upon the stock subscribed for and taken by the corporation in the company to the full amount necessary, to pay for the whole of the stock subscribed and taken by the corporation in the company, or any part thereof.

Issue of  
debentures to  
pay calls on  
stock held by  
town.

(2). It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall, from time to time be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time be made of the said amounts, and the said book of account and statement shall at all times, and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of

Treasurer to  
keep books  
showing state  
of debenture  
account.

the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

Application of  
dividends,  
etc., received  
by town.

**15.** All dividends, bonuses and other moneys or income which may in any year be payable by the company to the corporation in respect of the stock of the company subscribed for and held by the corporation, shall be collected, set apart and kept in a separate account by the corporation, to be known as "The Water, Power and Light Works Debenture Account," and when so collected shall, as occasion requires, be applied in and towards the payment of the amount of the annual interest payable, and providing the amount of the annual sinking fund which it may be necessary to provide in any year under the said by-law number 157, or any other by-law or by-laws which may be at any time hereafter passed under the provisions of the last preceding section of this Act, and the said annual amount required to be raised under and in pursuance of the provisions of said by-law number 157 and of any such other by-law or by-laws shall form a first lien and charge upon all dividends and other income which the corporation may derive from the company and from the capital stock thereof held by the corporation.

Debt incurred  
under Act not  
to be deemed  
part of general  
debentures  
debt in deter-  
mining limits  
of taxation.  
Rev. Stat. c.  
184.

**16.** In determining the limit of the powers of the council of the corporation of the town of Sault Ste. Marie as regards the imposition of yearly rates under the provisions of *The Municipal Act*, the amount of the debt incurred under the provisions of the said by-law number 157, and of any by-law or by-laws which may be hereafter passed by said council under the provisions of this Act, shall not be counted as part of the general debenture debt of the said town, and any special general rate which may be required to be imposed in any year upon the whole ratable property in the said town to provide for the balance of interest and sinking fund required in any such year after applying thereto the dividends, bonuses and other moneys and income payable to the corporation by the company in respect of the stock subscribed for and held by the corporation in the company, or otherwise howsoever, may be so imposed notwithstanding any limit of yearly rates for municipal purposes imposed by *The Municipal Act*, or any other statutory enactment in that behalf.

Rev. Stat. c.  
184.

Annual meet-  
ing of share-  
holders.

**17.** The annual general meeting of the shareholders of said company shall be holden the first Monday in February in each year to receive the report of the directors, and to transact such other business as may be properly brought before the shareholders for action.

Representa-  
tion of cor-  
poration at  
annual meet-  
ing.

**18.** At any general, special or other meeting of the shareholders of the said company, the said four directors elected by the electors of the said corporation, and the director representing the council of the town of Sault Ste. Marie, shall, at such meeting, represent the said corporation and be entitled to as many votes as said corporation would be entitled to thereat, but at such meeting said directors shall so vote as a board of directors by resolution duly to be passed, and the vote of each individual director shall, at every such meeting, be recorded in the minutes thereof.

19. The directors of the said company may at any time, or from time to time, pass a by-law or by-laws for creating and issuing any part of the capital stock as preference stock, guaranteeing such a dividend thereon as they deem expedient and advisable, and giving said stock such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the said by-law, and no such by-law shall have any force or effect whatever until it has been sanctioned by a by-law of the council of the town of Sault Ste. Marie duly acceded to by the electors of said town entitled to vote on by-laws creating debts before the final passing thereof, under the provisions of *The Municipal Act, 1858*.

20. The provisions of chapter 164 of the Revised Statutes of Ontario, 1887, shall be, and the same are hereby incorporated with this Act, so far as the provisions thereof may be applicable and not inconsistent with the clauses hereof, and in regard to procedure in case of a conflict between the provisions of the Acts relating to Joint Stock Companies, the terms and provisions of said Act chapter 164 of the Revised Statutes of Ontario, 1887, shall prevail in so far as may be.

21. From and after the passing of this Act the directors of the said company, as at present constituted, shall hold office until their successors shall have been duly elected or appointed, as the case may be, and until the new board of directors of the said company shall meet under the provisions of section 27 of this Act, and it shall be lawful for the said present board of directors, and they are hereby authorized and required to open a new stock book, and to accept new subscriptions to the capital stock of the said company under the provisions of this Act, and do all other acts necessary and proper for the reorganization of the company under the provisions of this Act, and of the said agreement (schedule "A" hereto), and the present stock book of the company setting forth the subscriptions to the capital stock of the company heretofore made, and the said subscriptions are hereby cancelled, and the said subscribers thereto are hereby relieved of and from all liability as to the payment of calls upon, or in respect of any stock in the company heretofore subscribed for.

22. The said company and the directors and shareholders thereof, and all other officers connected therewith, are hereby relieved from any and all penalties or liability that may heretofore have been incurred by reason of any neglect or omission to comply with any of the provisions of any Act relating to, or in any manner whatsoever affecting the said company, and the corporate powers, rights and privileges of said company, shall not be forfeited by reason of any such neglect or omission as aforesaid.

23. The council of the said town of Sault Ste. Marie may at any time sell or dispose of the whole or any part of the stock subscribed by the said corporation in the said company on such terms and conditions as may be deemed advisable to said council, but no such sale or disposal of said stock, or any portion thereof shall be made without the assent of the ratepayers of the said town first had and obtained to a by-law

for the sale of such stock, or portion of same, and in submitting the said by-law to the said ratepayers, two or more alternative schemes may be so submitted, and such scheme as receives the votes of the majority of the ratepayers entitled to vote thereon shall be declared carried.

(2) Any person shall be entitled to vote on the said by-law for the sale of said stock who is entitled to vote on by-laws creating debts requiring the assent of the ratepayers under *The Municipal Act*.

Complaints  
against direc-  
tors represent-  
ing town to be  
heard by dis-  
trict judge

**24.** If at any time twenty-five freehold ratepayers of the town of Sault Ste. Marie present a petition to the judge of the district court of Algoma, complaining of the neglect or misconduct of the directors of the said company elected by the electors of the said corporation, or appointed by or representing the said council, in any matter relating to the duties of their office, or to their election, then the said judge may examine, in a summary way, into the said complaint, and investigate the same, and may, for the purposes of such investigation, examine witnesses upon oath, and issue subpoenas to compel the attendance of same, and the production of all documents, letters, books or other papers.

(2) The said ratepayers shall, at the time of presenting the said petition, deposit with the clerk of the district court of the district of Algoma the sum of \$200 as security for costs, subject to the control and order of said judge, and said judge may, in his discretion, award to the said petitioners, or to the said directors, or director complained against, any sum for his or their costs that he may think fit.

(3) The said judge shall have the power to declare by his order any one or more of the said directors to be unseated from office, and a new election to take place to fill the vacancy or vacancies so created.

(4) The provisions of *The Municipal Act* relating to "controverted elections" and "the prevention of corrupt practices" shall, as nearly as may be, apply to the said investigation and to the conduct of the said directors and the powers conferred by *The Municipal Act* on a judge of the high court as to municipal elections, are hereby fully conferred on the said district judge as to election of directors of the said corporation under this Act, and his decision shall be final.

Security to be  
given by  
treasurer of  
company.

**25.** The treasurer of said company appointed by the directors thereof, before entering on the duties of his office, shall give such security for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys that may come into his hands; and it shall be the duty of every council of the said town of Sault Ste. Marie in each and every year to enquire into the sufficiency of the security given by such treasurer and report thereon.

**26.** Any expenditure made by said company, other than that contemplated by the said agreement (schedule "A" hereto) and that required to complete the purchase of the lands therein referred to and for the development of said water, power, water works and electric light works, and the construction of the necessary works and maintenance of same, shall



be by and with the assent of the ratepayers of said town *entitled to vote on by-laws creating debts*, and a by-law for such purpose shall be first approved of by them, submitted in the usual manner *by the council of said town*, before any such expenditure is made.

27. For the year 1890, at the first regular meeting of the council of the town of Sault Ste. Marie held after the first election of the directors by the electors of the said town, the said council shall by by-law appoint from among themselves one director on behalf of the said corporation, and within two weeks from the said election by the electors as aforesaid, the shareholders other than the said corporation shall elect their director or directors, and all the directors thus appointed or elected shall meet within four weeks from the date of such election by the said electors, on a day to be named by the by-law passed by the council fixing the time for holding the first election of municipal directors, and elect from among themselves a president and vice-president and appoint such other officers as may be required and necessary.

Assent of  
electors re-  
quired to  
certain  
expenditure.

## SCHEDULE A.

### (Section 3.)

Memorandum of agreement made this ninth day of December, A.D. 1889, between the Ontario and Sault Ste. Marie Water, Light and Power Company and James Conmee, Robert Baldwin Hamilton, John James Kehoe, William Henry Plummer, Henry Coulthard Hamilton and Nathan M. Neeld of the first part, and the Corporation of the Town of Sault Ste. Marie of the second part ;

Witnesseth that the parties of the first and second parts hereby mutually covenant and agree to and with each other and in the manner and form following, that is to say:—

1. That there be allotted to the town of Sault Ste. Marie \$210,000 of the Ontario and Sault Ste. Marie Water, Light and Power Company stock.

2. That the said The Ontario and Sault Ste. Marie Water, Light and Power Company be paid \$25,000 within three months from the date hereof, and that sufficient stock, 50% paid up, be allotted to the members of the said company to meet the amount expended by them in excess of the said \$25,000, and that the said company and members thereof agree within one year from the date hereof to transfer such stock, save and excepting \$5,000 thereof, to the said corporation of the town of Sault Ste. Marie, upon payment of the amount paid up thereon and interest thereon at 7% from the date hereof until time of payment, and the said town of Sault Ste. Marie agree to accept said stock and pay the said amount and interest as aforesaid within one year.

3. That the balance of the stock of the said company be placed in the treasury to be allotted as the directors may see fit.

4. That all lands and plant purchased by the said company or the members thereof, namely, The Hudson Bay property The Higgins property, The Ontario Government lands and



the electric light plant, be owned by the (new) company subject to the incumbrances thereon, and that the actual cash paid on account and in respect of said lands and plant, and all expenses of and incident thereto and incidental to the said scheme paid by the present members of the said company after being paid the said \$25,000, be credited on account of the stock allotted to them to the extent of \$25,000 if sufficient and further that in case of dispute as to the amount disbursed by them, the same be referred to arbitrators in the usual manner whose award shall be final and conclusive.

5. That the said corporation shall elect four directors in a manner similar to the election of councillors annually, whose qualifications for office shall be the same as that of councillors in town, and the council of said town shall appoint one director from the council board, but the council shall not have two directors on said board.

6. That there shall be one director to represent the present members of the said company, and who shall cease to be such director as soon as the said stock is paid and transferred.

7. That all existing agreements between the said company and said corporation be cancelled and become null and void.

8. That all persons or corporations who subscribe for stock in the said company shall be entitled to elect one director for the first \$50,000 stock held by them or under \$50,000 by them subscribed, and one director for each \$50,000 over the first \$50,000 stock so subscribed.

9. The said parties of the first part hereby agree to maintain in its present power the electric light system of the town until such time as all plant and property are transferred to the said new company.

This agreement is subject to special legislation to be obtained by the said town confirming and authorising the carrying out of this proposed scheme which the town agrees to apply for forthwith.

Witness the hands and seals of the parties hereto.

	(Signed)	W. H. PLUMMER,
[L.S.]		<i>President.</i>
	(Signed)	HY. C. HAMILTON,
		<i>Secretary.</i>
		DONALD CAMERON,
		<i>Acting-Mayor.</i>
		H. J. MOOREHOUSE,
[L.S.]		<i>Town Clerk.</i>

#### SCHEDULE B.

(Section 5.)

#### BY-LAW No. 157.

A By-law to aid the Ontario and Sault Ste. Marie Water, Light and Power Company, and to provide for subscribing to and taking stock in said company, and to provide for the issue and sale of debentures to the amount of \$105,000, to pay for the stock so to be subscribed and taken.

Whereas there exists in connection with the St. Mary's River, at and near to and within the limits of the town of Sault Ste. Marie, water privileges and power which would be of great value to the said town and the inhabitants thereof if developed.

And whereas the Sault Ste. Marie Water, Light and Gas Company was incorporated under the provisions of chap. 164, Revised Statutes of Ontario, 1887, for the purpose of supplying the corporation of the town of Sault Ste. Marie and the inhabitants thereof with both water and light.

And whereas the said company found that by utilizing the said water privileges and developing the said water power, they could not only afford a better supply of both water and light at cheaper rates, but also furnish power for general business purposes, and that it would be to the advantage of the company as well as of the town and the inhabitants thereof, that the said water power should be developed.

And whereas doubts existed as to the power of the said company to acquire all the lands required for the development of the said water power, under the provision of the general Act, and thereafter to develop and operate the said water power, and also as to the authority of the municipality of the town of Sault Ste. Marie to aid and assist the company in the manner proposed by the company and corporation, as set forth in a certain by-law and agreement in that behalf, the said Sault Ste. Marie Water, Gas and Light Company applied for and obtained special legislation changing its name to the Ontario and Sault Ste. Marie Water, Light and Power Company, and also conferring on it such further and additional powers as it required for the acquisition and development and working of the said water power from the St. Mary's River, as set forth in the Act passed by the Legislative Assembly of the Province of Ontario, in the 52nd year of the reign of Her Majesty, chaptered 88.

And whereas the said company have acquired all the land and land covered with water, and the water privileges within the limits of the said town of Sault Ste. Marie, and have invested in such purchase and in the construction of the electric light works large sums of money, but are unable to fully develop the said water power and complete the said waterworks without assistance.

And whereas it is necessary in the interest of the said town of Sault Ste. Marie and the inhabitants thereof, that the said waterworks should be completed, and that the said water power should be developed and utilized with as little delay as possible, and the corporation of the said town of Sault Ste. Marie are desirous of aiding the said company by subscribing to and taking stock therein, and for that purpose have, subject to the approval of this by-law, by the vote of the duly qualified electors, agreed to subscribe to the capital stock of the said company and take stock in the said company to the amount of \$210,000, upon the terms and conditions set out in an agreement made and entered into between the said municipal corporation and company, bearing date the ninth day of December, A.D. 1889.

And whereas it is desirable and necessary to raise the sum of \$105,000, to pay on the stock so to be subscribed for and taken in the said company by the said corporation, by the issue and sale of the debentures of the said town of Sault Ste. Marie, payable at the expiration of thirty years with interest, as hereinafter provided.

And whereas it will require the sum of \$5,250 to be raised annually for a period of thirty years, the currency of the debentures to be issued under and by virtue of this by-law to pay the interest of the said debt, and the sum of \$1,721.06 to be raised annually during the same period, for forming a sinking fund for the payment of the debt created by this by-law at the end of the said period of thirty years when the said debentures shall have matured, making in all the sum of \$6,971.06, to be raised annually by special rate sufficient therefor upon all ratable property of the municipality of Sault Ste. Marie during the period of thirty years, the currency of said debentures.

And whereas according to the last revised assessment roll of the said town of Sault Ste. Marie, being for the year 1889, the amount of the whole ratable property of the said municipality of the town of Sault Ste. Marie is the sum of \$1,143,437.

And whereas the amount of the existing debenture debt of the said municipality of the town of Sault Ste. Marie is the sum of \$32,300, and no part thereof, either as regards principal, moneys or interest, is in arrear,

Therefore the municipal council of the corporation of the town of Sault Ste. Marie, enacts as follows:—

1. It shall be lawful for the mayor of the town of Sault Ste Marie for and on behalf of, and in the name of the corporation of the town of Sault Ste. Marie, and under the corporation seal of the said town, to subscribe for and take stock in the capital stock of the Ontario and Sault Ste. Marie Water, Light and Power Company, pursuant to and under the terms and conditions contained and set forth in the agreement made and entered into between the said corporation of the town of Sault Ste. Marie and the said company, bearing date the ninth day of December, A.D. 1889, to the amount of \$210,000, nominal value of the capital stock of said company.

2. That it shall be lawful for the said mayor of the town of Sault Ste. Marie to raise by way of loan upon the security of the debentures of the said town of Sault Ste. Marie, hereinafter mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of one hundred and five thousand dollars (\$105,000), and to cause the same to be paid into the hands of the treasurer of the municipality, for the purposes and with the objects above recited.

3. That it shall be lawful for the said mayor of the town of Sault Ste. Marie to cause any number of debentures of the said town of Sault Ste. Marie to be made for such sums of money as may be required, not less than \$100 each, and not exceeding on the whole the sum of one hundred and five thousand dollars (\$105,000), as in the preceding section mentioned, and the said debentures shall be sealed with the seal of the said corporation, and be signed by the said mayor and countersigned by the treasurer of the municipality.

4. That the said debentures shall be made payable in thirty years from the date of the passing of this by-law, either in currency or sterling, in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of the interest.



5. That the said debentures shall bear interest at and after the rate, of five per cent. per annum from the date of the issue thereof, which interest shall be payable half yearly, on the first days of the months of February and August in each year, at the place the said debentures are made payable in this Province, Great Britain or elsewhere, as aforesaid.

6. That during thirty years the currency of the debentures to be issued under the authority of this by-law, the sum of \$5,250 shall be raised annually for the payment of interest on said debentures, and also the sum of \$1,721.06 shall be raised annually for the purpose of forming a sinking fund for the payment of principal of the said loan of \$105,000, in thirty years, according to the provisions of this by-law, making in all the sum of \$6,971.06 to be raised annually, as aforesaid, and that a special rate on the dollar upon the assessed value of all the ratable property in the town of Sault Ste Marie over and above all other rates and taxes, and which special rate shall be sufficient to produce in each year the said sum of \$6,971.06, is hereby imposed, and shall be raised, levied and collected in each year during the continuance of the said debentures for the purpose of paying the said sum of \$105,000, with interest thereon, as aforesaid.

7. That the said sum of \$105,000 when obtained, shall be applied for the purposes above specified, and according to the true intent and meaning of this by-law, and not otherwise.

8. That the debentures to be issued hereunder, shall contain a provision in the following words: This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer in the debenture registry book of the said corporation of the town of Sault Ste. Marie.

This by-law shall take effect on, from and after the twentieth day of January, in the year of our Lord one thousand eight hundred and ninety.

And it is further enacted by the said council of the said municipal corporation of the town of Sault Ste. Marie, that the votes of the electors of the said town will be taken on this by-law, by the returning and deputy returning officers hereinafter named, on the fourth day of January, 1890, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places:

Ward number one, at Neeld & Co's. office, by H. J. Moorehouse. Ward number two, at the old school house, by Charles Pim.

That on the third day of January, A.D. 1890, at the office of the clerk in the town of Sault Ste. Marie, at 11 o'clock in the forenoon, the mayor shall appoint in writing signed by him, two persons to attend to the final summing up of the votes by the clerk, and one person to attend to each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and the like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

That the clerk of the said municipal corporation shall attend at his office in the town of Sault Ste. Marie, at the hour of

twelve o'clock noon, on the 7th day of January, A.D. 1890, to sum up the number of votes given for and against this by-law.

By-law read a first time, this 10th day of December, 1889.

(Signed) H. J. MOOREHOUSE,  
Town Clerk.

By-law read a second time this 10th day of December, 1889

H. J. MOOREHOUSE,  
Town Clerk.

Read a third time, passed, signed and sealed this 14th day of January, 1890.

Council Chamber, Sault Ste. Marie.

[L. S.]

E. BIGGINGS,  
Mayor.

H. J. MOOREHOUSE,  
Town Clerk.

#### SCHEDULE C.

(Section 11.)

I, A. B., do solemnly declare that I am a natural born (or naturalized) subject of Her Majesty ; and have and had to my

own use and benefit in my own right (or have and had in right of my wife, as the case may be) as proprietor (or tenant, as the case may be), at the time of my election (or appointment, as the case may require) to the office of

hereinafter referred to, such an estate as does qualify me to act in the office of for

and that such estate is (the nature of the estate to be specified, as an equitable estate of leasehold or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise), and that such estate at the time of my election (or appointment, as the case may require) was of the value of at least (specifying the value) over and above all charges, liens and incumbrances affecting the same, and I do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (inserting the name of the office) to which I have been elected (or appointed) and that I have not received, and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said company.





BILL.

An Act respecting the Ontario and Sault  
Ste Marie Water, Light and Power Com-  
pany, and the Town of Sault Ste. Marie.

First Reading, 24th February, 1890.

*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. LYON.

TORONTO:

PRINTED BY WARWICK & SONS 68 AND 70 FRONT ST. W.

## An Act to Incorporate the Town of North Toronto.

WHEREAS the village of North Toronto is situated on Preamble  
 Yonge street, being one of the leading thoroughfares to  
 the city of Toronto, and is increasing rapidly in population;  
 and whereas the present corporation limits do not include parts  
 5 of the adjacent lands built upon, and other portions laid out in  
 building lots and which should form part of the village; and  
 whereas it is desirable that there should be a system of  
 sewerage, water-works, and for lighting the said Yonge street  
 and vicinity; and whereas the petitioners hereto and the  
 10 council of the said village have by their petition represented  
 that the incorporation of the said village as a town, and the  
 extension of the limits so as to include certain parts of the  
 surrounding portions of the township of York, would be of  
 great benefit to the said village and vicinity, would contribute  
 15 to its future prosperity and would be desirable for the protec-  
 tion and improvement of property generally; and whereas it  
 is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of Ontario, enacts as follows:—

20 1. On and after the passing of this Act the said village of  
 North Toronto shall be, and is hereby, constituted a corpora- Incorporation  
 tion or body politic under the name of "The Corporation of of town of  
 the Town of North Toronto," and shall enjoy and have all the North  
 rights, powers and privileges which could have been exercised Toronto.  
 25 and enjoyed by the said town of North Toronto if the same  
 had been incorporated as a town under the provisions of *The* Rev. Stat.  
*Municipal Act*, except where otherwise provided by this Act. c. 184.

2. The said town of North Toronto shall comprise and Boundaries of  
 consist of the present village of North Toronto, and certain town.  
 30 portions of the township of York, so that the limits of the said  
 town of North Toronto shall be as follows:—Commencing at  
 the easterly limit of Yonge street at a point intersected by the  
 northerly limit of lot 19 in the third concession from the bay;  
 thence along said limit easterly to the westerly limit of the  
 35 allowance for road in rear of said lot; thence northerly along  
 said westerly limit to the northern limit of the allowance for  
 road south of lot number 1 in the first concession east of Yonge  
 street, known as Eglinton avenue; thence westerly along said  
 northern limit to a point the same distance from the eastern  
 40 limit of Yonge street that would be given by a point situated  
 660 feet east of the eastern termination of Rochampton avenue,  
 on plan 639; thence northerly parallel with Yonge street to a  
 line drawn easterly and westerly through the centre of lot  
 45 number 1 on the east side of Yonge street; thence westerly on  
 said centre line to a point distant 3,300 feet east of Yonge

street; thence northerly parallel with Yonge street to the northern limit of lot number 8 in the first concession east of Yonge street; thence westerly on said northerly limit continuing on the northern limit of lot number 8 on the west side of Yonge street to a point 3,300 feet west of Yonge street; 5  
thence southerly parallel with Yonge street to the northern limit of lot number 4 on the west side of Yonge street; thence westerly to the centre of Otter street; thence southerly and easterly along the centre of said street to the centre of Glencairn avenue; thence southerly parallel with Yonge street 10  
to the northern limit of the sub-divisional survey shewn by plan M. 53 on lot number 3 on the west side of Yonge street; thence westerly on said northern limit to the north-westerly angle of lot number 107 on said plan M. 53; thence southerly parallel with Yonge street to the southern limit of the allowance 15  
for road south of lot number 1 in the first concession west of Yonge street; thence easterly along said limit to the limit between lots numbers 23 and 24 in the third concession from the bay; thence southerly along said limit until it intersects the south-westerly limit of the road known as Forest Hill road; 20  
thence southerly and easterly along said limit until it intersects a point in range with the limit between lots numbers 18 and 19 on the east side of Yonge street continued; thence easterly to the place of beginning; also including all lots shewn on sub-divisions of original lots crossed by the above described 25  
boundaries.

#### Wards.

3. The said town shall be divided into three wards to be called respectively Davisville Ward, Eglinton Ward East, and Eglinton Ward West, as follows:—All south of the centre of Eglinton avenue on both sides of Yonge street is to be called 30  
and known as Davisville Ward; all north of the centre of Eglinton avenue on the east side of the centre of Yonge street is to be called and known as Eglinton Ward East; all north of the centre of Eglinton avenue on the west side of the centre of Yonge street is to be called and known as Eglinton 35  
Ward West.

#### Municipal laws to apply.

4. Except as otherwise provided by this Act the provisions of the Revised Statutes of Ontario, 1887, and amending Acts respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and the 40  
other provisions of the said statutes, applicable to the erection of a village into a town under the said statutes and to the town so erected shall apply to the said town of North Toronto in the same manner as they would have been applicable had the said village of North Toronto been erected into a town 45  
under the provisions of the said statutes.

#### Nomination for first election.

5. On the second Monday after the passing of this Act it shall be lawful for George Ward, or the village clerk, for the time being, who is hereby appointed returning officer, to hold 50  
the nomination for the first election of mayor, reeve, deputy-reeves and councillors, at the Young Men's Christian Association rooms, in the said town of North Toronto, at the hour of noon, of which due notice shall be given in the same manner as the same would be given if the said town of North Toronto had 55  
been incorporated under the provisions of *The Municipal Act*, and he shall preside at the said nomination, or in case of his

absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election if necessary shall be held on the same day of the week next following the said nomination, and the returning officer or chairman shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

6. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the town is divided, and such returning officer and each of such deputy returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal law of Ontario applicable to returning officers and elections in towns so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with reference to municipal elections in towns.

7. The clerk of the said township of York shall upon demand made upon him by the said returning officer at once furnish such returning officer with a certified copy of so much of the revised assessment roll for the said township for the year of our Lord 1889, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, and the said clerk shall be entitled to payment of reasonable charges for such copies, and the said returning officer shall furnish each of the said deputy returning officers with a true copy of so much of the said roll as relates to the names of the electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

8. The council of the said town to be elected in manner aforesaid shall consist of a mayor who shall be head thereof, a reeve, deputy-reeves and nine councillors, three councillors being elected from each ward, and they shall be organized as a council on the second Monday after the said election. The council of said village shall hold office and act as such until the organization of said town council, and the said town council shall hold office for the balance of the term for which the said village council has been elected, and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

9. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualifications now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

10. At the first election of mayor, reeve or deputy-reeve and councillors for the said town of North Toronto, the

Deputy  
returning  
officers.

Clerk of town-  
ship of York  
to furnish  
copy of assess-  
ment roll.

Council.

Oaths of office  
and qualifica-  
tions.

Qualification  
at first  
election.



qualifications of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.

Expenses of Act.

**11.** The expenses incurred in obtaining this Act and of annexing said additional territory to and extending the limits of said village and of furnishing any documents, copies of papers, writing, deeds or any matters whatsoever required by the clerk or other officer of the said village or town of North Toronto or otherwise, shall be borne by the said town and paid by it to any party entitled thereto. 5 10

By-laws continued.

**12.** All by-laws and municipal regulations which are in force in the village of North Toronto shall continue and be in force as if they had been passed by the corporation of the town of North Toronto, and shall extend to and have full effect within the limits of the town hereby incorporated. 15

Town to assume property and liabilities of village.

**13.** The property, assets, debts, liabilities and obligations of the village of North Toronto shall belong to and be assumed and paid by the corporation of the town of North Toronto.

Officers of village continued.

**14.** All officers of the said village of North Toronto shall continue to act and have power as such, and as officers of and within the town of North Toronto, until the council of the said town shall have organized as and in the names provided by section 8 of this Act. 20

Existing council to continue until town council organized.

**15.** Notwithstanding anything contained in *The Municipal Act* as to the time for the taking effect of the proclamation annexing said additional territory to the said village, the election of the reeve and councillors held on the 30th day of December, 1889, and the sixth day January, 1890, shall be deemed to have been duly and lawfully had, and the said persons so elected shall be the council of the said village of North Toronto, for the year 1890, until the council of the said town shall be organized as provided in section 8 of this Act. 25 30

Power to contract for light and water supply.

**16.** Notwithstanding anything contained in *The Municipal Act*, it shall be lawful for the corporation of the said town of North Toronto to contract with any corporation, corporations, person or persons for a supply of water necessary for the wants of the said town of North Toronto, and also to contract with any corporation, corporations, person or persons for the supply of electricity and gas necessary to the lighting of the said town. 35 40

Power to exempt railways or manufacturing factories from taxation.

**17.** It shall be lawful for the said corporation to enter into an agreement with any railway, manufacturing company, person or persons, that in consideration of such company, person or persons building, establishing and maintaining certain shops or manufacturies in the said town, they may exempt for a period not exceeding ten years, the said company or companies and its or their property within the town from payment of taxes in whole or part, and may supply said company with water for a period of ten years free or at cost. 45



4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act to Incorporate the Town of North  
Toronto.

First Reading,	1890.
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(Private Bill.)

Mr. GILMOUR.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to Incorporate the Town of North Toronto.



WHEREAS the village of North Toronto is situated on Preamble.

Yonge street, being one of the leading thoroughfares to the city of Toronto, and is increasing rapidly in population; and whereas the present corporation limits do not include parts of the adjacent lands built upon, and other portions laid out in building lots and which should form part of the village; and whereas it is desirable that there should be a system of sewerage, water-works, and for lighting the said Yonge street and vicinity; and whereas the petitioners hereto and the council of the said village have by their petition represented that the incorporation of the said village as a town, and the extension of the limits so as to include certain parts of the surrounding portions of the township of York, would be of great benefit to the said village and vicinity, would contribute to its future prosperity and would be desirable for the protection and improvement of property generally; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. On and after the passing of this Act the said village of North Toronto shall be, and is hereby, constituted a corporation or body politic under the name of "The Corporation of the Town of North Toronto," and shall enjoy and have all the rights, powers and privileges which could have been exercised and enjoyed by the said town of North Toronto if the same had been incorporated as a town under the provisions of *The Municipal Act*, except where otherwise provided by this Act. Incorporation of town of North Toronto.  
Rev. Stat. c. 184.

2. The said town of North Toronto shall comprise and consist of the present village of North Toronto, and certain portions of the township of York, so that the limits of the said town of North Toronto shall be as follows:—Commencing at the easterly limit of Yonge street at a point intersected by the northerly limit of lot 19 in the third concession from the bay; thence along said limit easterly to the westerly limit of the allowance for road in rear of said lot; thence northerly along said westerly limit to the northern limit of the allowance for road south of lot number 1 in the first concession east of Yonge street, known as Eglinton avenue; thence westerly along said northern limit to a point the same distance from the eastern limit of Yonge street that would be given by a point situated 660 feet east of the eastern termination of Roehampton avenue, on plan 639; thence northerly parallel with Yonge street to a line drawn easterly and westerly through the centre of lot number 1 on the east side of Yonge street; thence westerly on said centre line to a point distant 3,300 feet east of Yonge Boundaries of town.

street; thence northerly parallel with Yonge street to the northern limit of lot number 8 in the first concession east of Yonge street; thence westerly on said northerly limit continuing on the northern limit of lot number 8 on the west side of Yonge street to a point 3,300 feet west of Yonge street; thence southerly parallel with Yonge street to the northern limit of lot number 4 on the west side of Yonge street; thence westerly to the centre of Otter street; thence southerly and easterly along the centre of said street to the centre of Glencairn avenue; thence southerly parallel with Yonge street to the northern limit of the sub-divisional survey shewn by plan M. 53 on lot number 3 on the west side of Yonge street; thence westerly on said northern limit to the north-westerly angle of lot number 107 on said plan M. 53;  thence southerly parallel with Yonge street to the centre for the allowance for road south of lot number one in the first concession west of Yonge street; thence easterly along said centre line to the limit produced northerly between lots numbers twenty-two and twenty-three in the third concession from the Bay; thence southerly along said limit to the south-westerly angle of sub-division lot twelve of original lot twenty-two; thence easterly along the southerly limit of said lot twelve and the production thereof easterly to the easterly limit of Avenue road and to the south-west angle of sub-division lot nine of original lot twenty-two; thence southerly along said easterly limit ten hundred and fifty feet more or less to lands now or formerly belonging to the estate of William Augustus Baldwin; thence easterly along the northerly limit of last mentioned lands to the westerly limit of lot number twenty-one; thence southerly along said westerly limit until it intersects a point in range with the limit between lots eighteen and nineteen on the east side of Yonge street continued;  thence easterly to the place of beginning; also including all lots shewn on sub-divisions of original lots crossed by the above described boundaries.

#### Wards.

3. The said town shall be divided into three wards to be called respectively Davisville Ward, Eglinton Ward East, and Eglinton Ward West, as follows:—All south of the centre of Eglinton avenue on both sides of Yonge street is to be called and known as Davisville Ward; all north of the centre of Eglinton avenue on the east side of the centre of Yonge street is to be called and known as Eglinton Ward East; all north of the centre of Eglinton avenue on the west side of the centre of Yonge street is to be called and known as Eglinton Ward West.

#### Municipal laws to apply.

4. Except as otherwise provided by this Act the provisions of the Revised Statutes of Ontario, 1887, and amending Acts respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and the other provisions of the said statutes, applicable to the erection of a village into a town under the said statutes and to the town so erected shall apply to the said town of North Toronto in the same manner as they would have been applicable had the said village of North Toronto been erected into a town under the provisions of the said statutes.

#### Nomination for first election.

5. On the second Monday after the passing of this Act it shall be lawful for George Ward, or the village clerk, for the



time being, who is hereby appointed returning officer, to hold the nomination for the first election of mayor, reeve, deputy-reeves and councillors, at the Young Men's Christian Association rooms, in the said town of North Toronto, at the hour of noon, of which due notice shall be given in the same manner as the same would be given if the said town of North Toronto had been incorporated under the provisions of *The Municipal Act*, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election if necessary shall be held on the same day of the week next following the said nomination, and the returning officer or chairman shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

6. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the town is divided, and such returning officer and each of such deputy returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal law of Ontario applicable to returning officers and elections in towns so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with reference to municipal elections in towns.

Deputy  
returning  
officers.

7. The clerk of the said township of York shall upon demand made upon him by the said returning officer at once furnish such returning officer with a certified copy of so much of the revised assessment roll for the said township for the year of our Lord 1889, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, and the said clerk shall be entitled to payment of reasonable charges for such copies, and the said returning officer shall furnish each of the said deputy returning officers with a true copy of so much of the said roll as relates to the names of the electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Clerk of town-  
ship of York  
to furnish  
copy of assess-  
ment roll.

8. The council of the said town to be elected in manner aforesaid shall consist of a mayor who shall be head thereof, a reeve, deputy-reeves and nine councillors, three councillors being elected from each ward, and they shall be organized as a council on the second Monday after the said election. The council of said village shall hold office and act as such until the organization of said town council, and the said town council shall hold office for the balance of the term for which the said village council has been elected, and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils

Council.

Oaths of office  
and qualifica-  
tions.

9. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualifications now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Qualification  
at first  
election.

10. At the first election of mayor, reeve or deputy-reeve and councillors for the said town of North Toronto, the qualifications of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.

Expenses of  
Act.

11. The expenses incurred in obtaining this Act and of annexing said additional territory to and extending the limits of said village and of furnishing any documents, copies of papers, writing, deeds or any matters whatsoever required by the clerk or other officer of the said village or town of North Toronto or otherwise, shall be borne by the said town and paid by it to any person entitled thereto.

By-laws  
continued.

12. All by-laws and municipal regulations which are in force in the village of North Toronto shall continue and be in force as if they had been passed by the corporation of the town of North Toronto, and shall extend to and have full effect within the limits of the town hereby incorporated.

Town to  
assume  
property and  
liabilities of  
village.

13. The property, assets, debts, liabilities and obligations of the village of North Toronto shall belong to and be assumed and paid by the corporation of the town of North Toronto.

Officers of  
village  
continued.

14. All officers of the said village of North Toronto shall continue to act and have power as such, and as officers of and within the town of North Toronto, until the council of the said town shall have organized as and in the names provided by section 8 of this Act.

Existing  
council to  
continue until  
town council  
organized.

15. Notwithstanding anything contained in *The Municipal Act* as to the time for the taking effect of the proclamation annexing said additional territory to the said village, the election of the reeve and councillors held on the 30th day of December, 1889, and the sixth day January, 1890, shall be deemed to have been duly and lawfully had, and the said persons so elected shall be the council of the said village of North Toronto, for the year 1890, until the council of the said town shall be organized as provided in section 8 of this Act.

Power to con-  
tract for light  
and water  
supply.

16. Notwithstanding anything contained in *The Municipal Act*, it shall be lawful for the corporation of the said town of North Toronto to contract with any corporation, corporations, person or persons for a supply of water necessary for the wants of the said town of North Toronto, and also to contract with any corporation, corporations, person or persons for the supply of electricity and gas necessary to the lighting of the said town.



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4th Session, 6th Legislature, 53 Vic. 1890.

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BILL.

An Act to Incorporate the Town of North  
Toronto.

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First Reading, 18th February, 1890.

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*(Reprinted as unenrolled by Private Bills  
Committee.)*

(Private Bill.)

Mr. GILMOUR.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the First Presbyterian Church  
at Chatham.

5 **W**HEREAS the Rev. F. H. Larkin, minister, and Thomas H. Taylor, Thomas Stone, Kenneth Urquhart, John McKay, William Robertson and others, elders, office-bearers, and members of the congregation of the First Presbyterian Church, Chatham, (formerly called the United Associate Con-  
10 gregation of Chatham in connection with the Missionary Synod of Canada, and more recently called the Wellington street Presbyterian Church, and which when united with the Adelaide street Presbyterian Church in 1879 became the First Presbyter-  
rian Church, Chatham), have by their petition set forth that cer-  
15 tain parcels of land in the town of Chatham have been pur-  
chased, and at different times have been conveyed to the  
trustees of the said two churches, that is to say:—that block  
of land bounded on the east by William street, south by Park  
street, westerly by Centre street and common school lands,  
20 and north by Wellington street, as patented to Henry McNeil  
on 26th January, 1842, not heretofore surveyed into town lots  
and conveyed by deeds duly registered in the registry office, in  
and for the county of Kent, which parcel was conveyed by  
deed from the said Henry McNeil the patentee, to Robert  
25 Smith, John Fisher, John McKinlay and Edward Smith as  
trustees for the said United Associate Congregation and their  
successors in office, with the minister of the congregation, by  
deed bearing date the 28th April, 1846, and registered 20th  
day of April, 1869, and which deed contained among other  
30 provisions the words following:—"No part of said property  
"ever to be alienated from the congregation, but to be used for  
"the following purposes, viz.: a meeting house, a graveyard,  
"a house for the minister and the necessary buildings, and a  
"garden park for the minister's use, also part of it may be  
35 "leased for building or cropping for not more than fourteen  
"years, the proceeds to be for the sole benefit of the congrega-  
"tion;" and the said Henry McNeil (and Sarah McNeil, his  
wife to bar dower) did by another deed of bargain and sale  
convey to said trustees and their successors in office, for the  
40 sole benefit of said church and congregation the above men-  
tioned land which deed bears date the 26th October, 1847, and  
was registered 3rd January, 1852; that the said Henry  
McNeil, did by deed of bargain and sale, bearing date 27th  
October, 1847, and registered 12th July, 1849, sell and convey  
45 to one Daniel Fraser (who was an office-bearer in said church  
and congregation, and who was simply grantee in said deed to  
facilitate sales of the lots in said deed mentioned) lots one, two,  
three, five, six, seven, eight, nine, ten, eleven, fourteen and  
fifteen, being sub-divisions of part of the first mentioned pro-



perty, all of which lots excepting lots fourteen and fifteen are  
 excluded from the property to be dealt with under the petition  
 herein, owing to their being duly sold and conveyed; that  
 the trustees of said Wellington street Presbyterian Church by  
 deed bearing date the 23rd day of May, 1871, from Robert 5  
 Gray, who purchased from the trustees of the common school  
 lands, (and wife to bar dower) became grantees of the east  
 half of lot number six in block 49 (XLIX), common school  
 lands and the trustees of said United Associate Church by  
 deed from the trustees of the common school lands dated 27th 10  
 December, 1859, became the owners of the west half of said lot  
 number six, all of which property by reason of the Canadian  
 Pacific railway crossing one corner of it, and within a few yards  
 of the church building has now become wholly unsuited for  
 the purposes for which it was originally intended as repre- 15  
 sented in the various deeds thereof and the conditions of  
 same; that the trustees of said Adelaide street Presbyterian  
 Church, namely, A. McKellar, Kenneth Urquhart and William  
 Peter McDonald, by deed bearing date the 4th August, 1853,  
 and registered 10th August, 1853, from Abraham S. Holmes 20  
 (an unmarried man) became the absolute owners of the west  
 half of lot number 72 (old survey) in the town of Chatham;  
 that the trustees of said Adelaide street Presbyterian Church  
 purchased the east half of said lot number 72 (old survey)  
 from the Trust and Loan Company of Upper Canada, and 25  
 obtained a conveyance thereof to them bearing date the 5th  
 June, 1870, but which was not registered until the 27th April,  
 1880, and objection has been made to the title, owing to said  
 last mentioned deed not being registered within the time  
 limited by statute in that behalf; that about the year 1879, 30  
 the said Adelaide street Presbyterian Church and the said  
 Wellington street Presbyterian Church were united and named  
 the First Presbyterian Church, Chatham, and worshipped in  
 the church building on Wellington street, and the said property  
 formerly held by the trustees of the Adelaide street church, 35  
 has not since said union been used for church purposes and it  
 is wholly unsuited from its situation for being so used; that  
 owing to the alleged defect in the title of said property pur-  
 chased from the said Trust and Loan Company, the trustees of  
 said First Presbyterian Church, Chatham, obtained from said 40  
 Trust and Loan Company a confirmatory deed bearing date  
 the 24th April 1889, and registered 10th May, 1889; that  
 although several of the said deeds made provision in various  
 ways for the appointment of trustees and their successors in  
 office, there is now no evidence that such provisions of the res- 45  
 pective deeds were acted on and carried out, and it is desirable  
 to vest the whole of said lands in the present trustees, and to  
 provide for the appointment of their successors in office; that  
 the titles to said lands being objected to and called in question  
 and sales prevented by the provisions in the various deeds, it 50  
 is desirable to have the said lands fully vested in fee simple in  
 said trustees and their successors in office; that the said prop-  
 erties being in two parcels and lying separate from one  
 another, it is also most desirable to have the trustees em-  
 powered to sell the whole of both parcels or any part or parts 55  
 thereof; that none of said property is now used as a grave-  
 yard, nor has any part been so used for many years, and owing  
 to the growth of the town and purchase of a large plot out-  
 side of the town limits for cemetery purposes, at which time

most of the bodies were removed from the old churchyard, and only very few now remain, and it is desirable to have them removed; and whereas it is expedient to grant the prayer of the said petition;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said block of land conveyed by Henry McNeil ex-  
 cepting that portion surveyed into town lots and conveyed by  
 10 deeds duly registered, notwithstanding the provisions in the deeds from said Henry McNeil to the church trustees, and the deed to said Daniel Fraser; and said lot number six in block XLIX of the common school lands; and lot number 72, old survey, notwithstanding the non-registration of the first deed,  
 15 within the time limited by statute, and further, notwithstanding any irregularity in the appointment of the various trustees of said properties or any of them under the different deeds thereof, and all other irregularities and objections whatsoever shall be, and the same are hereby declared to be vested in fee  
 20 simple in John McKinlay, Kenneth Urquhart, and Edward Smith, the trustees of the First Presbyterian Church, Chatham, in connection with the Presbyterian Church in Canada, who are hereby declared to be the sole present trustees duly authorized to act in behalf of the said congregation of the First  
 25 Presbyterian Church, Chatham, and their successors (to be appointed as hereinafter provided) and assigns forever, in trust for the sole benefit of the congregation of the said First Presbyterian Church.

Lands vested  
in trustees.

2. That when any of the said trustees shall happen to die or  
 30 be desirous of being released from the powers and trusts in them hereby reposed, or become incapable of acting in the same or cease to reside in the Province of Ontario, then the presbytery of Chatham in connection with said church may from time to time appoint, with the previous consent of the congregation as  
 35 expressed at a congregational meeting called for that purpose, by at least two weeks notice from the pulpit, any fit and proper person or persons being a layman, or laymen resident within the bounds of said presbytery and a member of said church and congregation; and every appointment when made  
 40 by the said presbytery shall be entered in the records of the said presbytery, and a certificate of such appointment signed by the moderator and clerk of the said presbytery from time to time, and at any time shall be sufficient evidence of such appointment having been duly made.

Appointment  
of new trustees.

3. It shall be lawful to and for the said trustees or a majority of them to sell and convey the said lots, or any, or either  
 45 of them, or any part or parts of any, or either of them in fee simple, free from any trust or trusts, and apply the proceeds thereof in purchasing a site for a church, and erecting a new  
 50 church and furnishing same, and other church purposes as may be resolved by the majority of the members present at a congregational meeting called for such purpose, of which notice shall be given from the pulpit, during the two Sabbaths next, preceding the holding of such meeting.

Trustees may  
sell lands.

Rights under  
existing leases  
not affected.

4. This Act shall not affect or interfere with the rights of any party or parties under existing leases, of any part of the said property.

Removal of  
remains of  
dead.

5. The said trustees and successors in office, shall have power and authority after giving notice as hereinafter required to remove of their own accord, and at their own expense, in a decent and orderly manner and without any further notice to the friends and relatives of the dead, all the remains of the dead now interred in the lands and premises aforesaid to the public cemetery, or to some other suitable burying ground that may be approved of by the relatives of the deceased, and the remains of the dead so removed in pursuance of the powers in this section granted, shall be re-interred at the expense of the said trustees. 5 10

Trustees to  
give notice be-  
fore removing  
bodies.

6. The said trustees before removing the remains of the dead as in the last preceding section authorized, shall give notice in writing to the relatives of the deceased when known, and shall during the period of four weeks, publish a notice in four successive issues of the *Ontario Gazette*, and of a local newspaper published in the town of Chatham, which notice shall set forth the powers in the last preceding section granted, and that parties owning burial lots, or having the remains of deceased friends or relatives interred in the said old burying ground may remove the remains to the public cemetery where the trustees will provide suitable burial lots therefor, and pay all reasonable expenses incurred or sustained in or by reason of such removal to or re-interment in the cemetery or other suitable burying place. In the event of parties not removing the remains as aforesaid, it shall be the duty of the trustees to remove the same in a decent and orderly manner and re-inter them in suitable plots in the public cemetery, and with the said remains so removed in pursuance of the powers herein granted to remove also, and properly place in the proper burial plot, to which they have removed said remains all gravestones and monuments now erected in the said burying ground. 15 20 25 30 35

Certificate of  
county judge  
to removal of  
remains from  
burying  
ground.

7. It shall be the duty of the said trustees and their successors in office to use due care and diligence, that all the remains of the dead have been removed from the said burying ground before they build on, or before they sell as aforesaid, but the title of any purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so sold, if it shall be made to appear to the judge of the county court of the county of Kent for the time being, and if he shall so certify under his hand, that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so sold, and such certificate shall be registered in the registry office, for the county of Kent, on the production thereof to the said registrar, and the payment to him of \$1 as a fee for such registration. 40 45 50



No. 28.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the First Presbyterian  
Church at Chatham.

First Reading. , 1890.

(Private Bill).

Mr. CLANCY.

TORONTO:

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**An Act to Incorporate the Aylmer and Port Burwell  
Railway Company of Canada.**

**W**HEREAS the persons hereinafter named and others have Preamble.  
petitioned for incorporation as a company to construct,  
equip and operate a railway from Port Burwell in the township  
of Bayham, passing through or near the village of Vienna, and  
5 through the town of Aylmer to some point in the township of  
North Dorchester, or in the township of North Oxford; and  
whereas it is expedient to grant the prayer of the said petition;  
Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
10 as follows:—

**1.** William Youell Emery of Port Burwell, merchant, David Incorporation  
Marshall of Aylmer, merchant, George I. Walker of Aylmer,  
commission merchant, F. A. Ashbaugh of Aylmer, grocer,  
S. S. Clutton, of Vienna, woollen manufacturer, I. H. Teal of  
15 Vienna, esquire, William E. Smith of Malahide, yeoman,  
William Warnock, jun., of Aylmer, banker, and such other per-  
sons and corporations as shall hereafter become shareholders of  
the said company, are hereby constituted a body corporate and  
politic under the name of "The Aylmer and Port Burwell  
20 Railway Company of Canada," (hereinafter called the  
company.)

**2.** The several clauses of the *Railway Act of Ontario*, shall Railway Act  
to apply.  
be incorporated with, and be deemed to be part of this Act,  
and shall apply to the said company and to the railway to be  
25 constructed by them, except so far as they may be inconsis-  
tent with the express enactments hereof, and the expression  
"this Act" when used herein shall be understood to include  
the clauses of the said *Railway Act* so incorporated with this  
Act.

**3.** The said company hereby incorporated and their servants Location of  
line.  
and agents, shall have full power under this Act to construct,  
equip and operate a railway with all its stations, sidings, tele-  
graph and accessories, from Port Burwell in the township of  
Bayham, passing through or near the village of Vienna and  
35 through the town of Aylmer to some point in the township of  
North Dorchester or in the township of North Oxford.

**4.** The gauge of the said railway shall be four feet eight Gauge.  
and one-half inches.

**5.** From and after the passing of this Act, the said William Provisional  
directors.  
40 Youell Emery, David Marshall, George I. Walker, F. A. Ash-  
baugh, S. S. Clutton, I. H. Teal, William E. Smith and William

Warnock, jun., with power to add to their number shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until the next election of directors under this Act.

Powers of  
provisional  
directors.

Rev. Stat. c.  
170.

6. The said board of provisional directors shall have power 5  
forthwith to open stock books and procure subscriptions of  
stock for the undertaking, and to allot the stock and to  
receive payments on account of stock subscribed, and to make  
calls upon subscribers in respect of their stock and to sue for  
and recover the same, and to cause plans and surveys to be 10  
made and to receive for the company, any grant, loan, bonus,  
or gift, made to it or in aid of the undertaking, and to enter into  
any agreement respecting the conditions or disposition of any  
gift or bonus in aid of the railway and with all such other  
powers as under *The Railway Act of Ontario* are vested in 15  
ordinary directors, the said directors or a majority of them, or  
the board of directors to be elected as hereinafter mentioned,  
may in their discretion exclude any one from subscribing for  
stock, who, in their judgment, would hinder, delay, or prevent  
the company from proceeding with and completing their under- 20  
taking under the provisions of this Act; and if at any time a  
portion, or more than the whole stock shall have been sub-  
scribed, the said provisional directors, or board of directors  
shall allocate and apportion it amongst the subscribers as they  
shall deem most advantageous and conducive to the further- 25  
ance of the undertaking, and in such allocation the said  
directors may in their discretion, exclude any one or more of  
the said subscribers, if, in their judgment, such exclusion will  
best secure the building of the said railway, and all meetings  
of the provisional board of directors shall be held at the town 30  
of Aylmer or at such other place as may best suit the interests  
of the said company.

Capital stock.

Rev. Stat. c.  
170.

7. The capital stock of the said company shall be \$200,000,  
with power to increase the same in the manner provided by  
*The Railway Act of Ontario*, to be divided into 4,000 shares 35  
of \$50 each and shall be raised by the persons and corporations  
who may become shareholders in such company, and the money  
so raised and paid into the company, shall be applied in the  
first place to the payment of all costs, charges and expenses of  
and incidental to the obtaining of this Act, or in promoting the 40  
undertaking, and of all expenses for making the surveys, plans  
and estimates connected with the works hereby authorized,  
and all the remainder of such money shall be applied to the  
making, equipment, completion and the operating of the said  
railway, and the other purposes of this Act, and to no other 45  
purpose whatever, and until such preliminary expenses shall  
be paid out of such capital stock, the municipal corporation  
of any municipality on or near the line of such works, may  
by resolution of which ten days previous notice shall have  
been given, and passed by a majority of the said municipal 50  
corporation, authorize the treasurer of such municipality to  
pay out of the general funds of such municipality, its fair pro-  
portion of such preliminary expenses which shall thereafter,  
if such municipality shall so require, be refunded to such  
municipality from the capital stock of the said company or be 55  
allowed to it in payment of stock.

Municipal  
aid for preli-  
mary ex-  
penses.

8. When, and so soon as shares to the amount of \$20,000 in the capital stock of the said company shall have been subscribed, and \$2,000 shall have been paid into one of the chartered banks of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks notice in one paper published in the county of Elgin and in the *Ontario Gazette* of the time, place and object of such meeting, and at such general meeting the shareholders then present either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the company, in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors and shall hold office until the next general annual meeting, or until other directors be elected in their stead, and may also make and pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

First meeting for the election of directors.

9. In case the provisional directors neglect to call a meeting for the space of two months after \$20,000 of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers collectively for not less than \$3,000 of the capital stock, and who have paid up all calls thereon, provided that such meeting is called in the manner in the next preceding section set forth.

Provision in case directors neglect to call meeting.

10. Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the town of Aylmer or at such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given as provided in section eight of this Act.

Annual meeting.

11. Special general meetings of the shareholders of the company may be held at such place in the town of Aylmer or at such other place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in section eight of this Act.

Special general meetings.

12. In the election of directors under this Act no person shall be elected a director unless he shall be a holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up.

Qualification of directors.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Rights of aliens.

14. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held.

Scale of votes.



Corporations  
how repre-  
sented.

15. At all meetings of the shareholders of the company the stock held by municipal and other corporations may be represented by such persons as they shall have respectively appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meeting be entitled equally 5 with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting. 10

Quorum of  
directors.

16. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, three directors shall form a quorum for the transaction of business;

Calls.

17. Calls on the subscribed capital of the said company 15 may be made by the directors for the time being as they shall see fit; provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month, and notice of each call shall be given as provided in section eight 20 of this Act.

Transfer of  
shares.

18. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred 25 are surrendered to the company, or the surrender thereof dispensed with by the company.

Appointment  
of special  
agent.

19. Should the shareholders of the company resolve that the interests of the company would be best promoted by making one or more of the directors, or any other person whom 30 they may deem proper to appoint, to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number, or such other persons, as they may deem proper to appoint. 35

Form of  
conveyances.

20. Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned 40 and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the 45 same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Aid to com-  
pany.

21. The said company may receive from any government, or from any person or bodies corporate or politic who may have power to make or grant the same, aid towards the con- 50 struction, equipment or maintenance of the said railway, or of any of the works authorized under this Act to be undertaken, by way of gift, bonus or loan of money or debentures, or other

securities for money or by way of guarantee, upon such terms and conditions as may be agreed upon.

22. Any municipality or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation under and subject to the provisions herein contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Aid from municipalities.

Proviso.

23. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Provisions as to bonus by laws.

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same for the approval of the qualified voters.

(2) In the case of a county municipality the petition shall be of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat. c. 184.

(3) In cases of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat. c. 184.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

24. Such by-law shall in each instance provide—

Provisions of by-law.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portions of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half yearly, which



debentures the respective municipal council, wardens, mayors, reeves and other officers, are hereby authorized to execute and issue in such cases respectively.

- (3) In the case of guarantees, the by-law shall provide for 5  
the due application of the amount to be raised for  
the purposes thereof, and for assessing and levying  
upon all ratable property lying within the municipi-  
pality, minor municipality or portion of the town-  
ship municipality defined by the said by-law (as 10  
the case may be) an annual special rate sufficient  
to pay from time to time the sum guaranteed, and  
to include a sinking fund in the cases of the prin-  
cipal of the debentures of the company being  
guaranteed for a period not exceeding twenty 15  
years, which guarantee the respective municipal  
councils, wardens, mayors, reeves or other officers  
are hereby authorized to execute.

Disputes as to  
bonus by laws  
to be referred  
to arbitration.

25. In the case of aid from a county municipality fifty 20  
resident freeholders of the county may petition the county  
council against submitting the said by-law upon the ground  
that certain minor municipalities or portions thereof comprised  
in the said by-law would be injuriously affected thereby or  
upon any other ground ought not to be included therein, and  
upon deposit by the petitioners with the treasurer of the 25  
county of a sum sufficient to defray the expense of such  
reference the said council shall forthwith refer the said peti-  
tion to three arbitrators, one being the judge of the county  
court, one being the registrar of the county or of the riding in  
which the county town is situate, and one being an engineer 30  
appointed by the Commissioner of Public Works for Ontario,  
who shall have power to confirm or amend the said by-law by  
excluding any minor municipality or any section thereof  
therefrom, and the decision of any two of them shall be final,  
and the by-law so confirmed or amended shall thereupon at 35  
the option of the railway company be submitted by the council  
to the duly qualified voters, and in case the by-law is confirmed  
by the arbitrators the expense of the reference shall be borne  
by the petitioners against the same, but if amended, then by  
the railway company or the county, as the arbitrators may 40  
order.

Minor municipi-  
pality, mean-  
ing of.

26. The term "minor municipality" shall be construed to  
mean any town not separated from the municipal county,  
township, or incorporated village situate in the county municipi-  
pality. 45

Deposit for  
expenses

27. Before any such by-law is submitted the railway com-  
pany shall, if required, deposit with the treasurer of the muni-  
cipality a sum sufficient to pay the expenses to be incurred in  
submitting said by-law.

If by-law car-  
ried council to  
pass same.

28. In case the by-law submitted be approved of and 50  
carried in accordance with the provisions of the law in that  
behalf, then within four weeks after the date of such voting  
the municipal council which submitted the same shall read the  
said by-law a third time and pass the same.

**29.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed or to be appointed under this Act.

**30.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

**31.** The provisions of the Revised Statutes of Ontario, 1887, chapter 184, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

**32.** The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

**33.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time, provided that no such extension shall be for a longer period than one year at a time.

**34.** Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of said municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

**35.** It shall further be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situated, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Grants of land.

**36.** Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds, or for other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Trustees of debentures.

**37.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months of the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses or in case of only one municipality granting a bonus then by the head of such municipality, all the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities or head of the said municipality shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustee, then in either case the said company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust or goes to live out of the Province of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

**38.** The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank, having an office in the town of Aylmer, in the name of "The Aylmer and Port Burwell Railway Company of Canada Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to Trustees.

**39.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.



40. It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises to pass a by-law or by-laws, empowering the company to make their road and lay their rails along any of the high-  
 5 ways within such municipality, and whether or not the same be in the possession of or under the control of any joint stock company, and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company and it shall and may be lawful for  
 10 the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Right to use highways.

15 41. The said company shall have the power of closing up any road or highway crossing through any of their station grounds, provided the said company shall have the consent of the municipality in which the road is situated by a by-law passed for that purpose, and provided a road adjacent thereto  
 20 and convenient for the public, be provided in lieu of any such closed road.

Closing roads.

42. The said company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting  
 25 the said telephone and telegraph lines, the powers conferred upon telegraph companies by the *Act respecting Electric Telegraph Companies*, Chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

Telegraph and telephone lines.

Rev. Stat. c 138.

43. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals, for the construction or equipment of the line or of any portion thereof including or excluding the purchase of the right of way, and to pay therefor in cash or bonds or in paid up stock or otherwise as may be deemed expedient, provided  
 30 that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially called to consider the same.

Power to contract for construction and equipment of railway.

Proviso.

44. It shall be lawful for the company to enter into any agreement with the Canada Southern Railway Company or the  
 40 Canadian Pacific Railway Company of Canada, or the Credit Valley Railway Company if lawfully empowered to enter into such agreement, for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreement with the Canada Southern Railway  
 45 Company or the Canadian Pacific Railway Company of Canada, or the Credit Valley Railway Company, if so lawfully authorized for the working of the said railway, or for running powers over the same on such terms and conditions as the directors of the several contracting companies may agree on, or  
 50 for leasing and hiring from such other contracting company any portion of the railway or the use thereof, and generally to make any agreement or agreements with either of the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway, or the rolling  
 55 stock of either, or both, or any part thereof, or touching any

Agreements with other companies.

Proviso.

service to be rendered by the one company to the other, and the compensation herefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company leasing or entering into such agreement for the using the said line, may, and is hereby authorized to work 5 the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a general meeting called for 10 the purpose of considering the same, according to the by-laws of the company, and the provisions of this Act by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any 15 company which are not within the legislative authority of this Province.

Agreements  
with the use of  
rolling stock,  
etc.

45. It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or 20 persons, for the leasing, hiring or the use of any locomotives, carriages, rolling stock and other movable property, from such persons or companies, for such time or times and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, 25 for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Negotiable  
instruments.

46. The company shall have power and authority to become 30 parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer of the said company, and under the authority of a 35 quorum of the directors shall be binding on the company, and every such promissory note and bill of exchange shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or 40 bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall 45 be construed to authorize the company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Issue of  
bonds.

47. The directors of the said company after the sanction of the shareholders shall have been first obtained at any 50 annual or special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the 55 said undertaking, and such bonds shall without registration or



formal conveyance be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, pro rata, with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$20,000 per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

48. All such bonds, debentures and other securities and coupons and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name, and all such bonds, debentures and other securities and coupons and interest warrants thereon, respectively, may be made payable in lawful money of Canada, or in sterling money of Great Britain, at some place in Canada, or London, England, or in the city of New York, in the state of New York, or at all or any of such places.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payments in all the rights and remedies of such persons for such charges.

50. The company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds or debentures which under the powers of this Act can be issued, for the construction of the railway or otherwise.

51. The company shall have full power to construct and erect docks, stations, workshops and offices, and to purchase lands for such purposes, and to sell and convey such land as may be found superfluous for any such purpose, and shall have power to construct, purchase, charter and navigate steamers, vessels and other watercraft on Lake Erie or any other inland navigable waters in Canada, for the purpose of traffic in connection with the said railway.

Power to  
make certain  
payments in  
stock.

**52.** The said provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for the right of way or material, plant or rolling stock, and also when sanctioned by a vote of the majority of shareholders present at any general meeting, for the services of promoters or other persons who may be employed by the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional directors or not, and any such agreements so made shall be binding on the company.

Power to con-  
struct railway  
in sections.

**53.** The said company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto, with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections shall be less than ten miles in length, and upon the deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of *The Railway Act of Ontario*, and the amendments thereto, applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act of Ontario*, and the amendments thereof, with respect to "plans and surveys."

Rev. Stat., c.  
170.

Rev. Stat. c.  
170.

Rev. Stat. c.  
170.

Acquiring  
gravel, etc.

**54.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situated, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and the notice of the arbitration, the award and tender of compensation shall have the same effect as in case of arbitration for the roadway: and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey; and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining of materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material may be

Rev. Stat. c.  
170.

taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

- 5 **55.** When said gravel, stone, sand, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which the said material may be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated; and such right may be so acquired for a term of 15 years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.
- 20 (2). When estimating the damages for the taking of gravel, stone or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Sidings to gravel pits.

Rev. Stat. c. 170.

- 25 **56.** The construction of the said railway shall be commenced within three years, and the same shall be completed within five years after the passing of this Act.

Commencement and completion of railway.

- 57.** Wherever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any parcel or lot of land, over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Rev. Stat. c. 170.

## SCHEDULE A.

(Section 20.)

### FORM OF CONVEYANCE.

Know all men by these presents, that I, (or we), [*insert the names of the vendors*] in consideration of \_\_\_\_\_ dollars, paid to me (or us) by the Aylmer and Port Burwell Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I, (or we), [*insert the name of any other party or parties*] in consideration of \_\_\_\_\_ dollars, paid to me, (or us), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain, (or those certain parcels, as the case may be), of land, [*describe the land*], the same having been selected and

laid out by the said Company, for the purposes of their railway, to hold with the appurtenances unto the said Aylmer and Port Burwell Railway Company of Canada, their successors and assigns, [*here insert any other clauses, covenants and conditions required,*] and I, (or we), the wife, (or wives), of the said , do hereby bar my, (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this                      day of                      , A.D. 189 .

Signed, sealed, and delivered }  
in the presence of                      } [L.S.]

## SCHEDULE B.

(Section 38.)

### CHIEF ENGINEER'S CERTIFICATE.

*The Aylmer and Port Burwell Railway Company of Canada's office.*

### ENGINEER'S DEPARTMENT.

Certificate to be attached to cheques drawn on the Aylmer and Port Burwell Railway Company of Canada's Municipal Trust Account, given under section , chapter , of the Acts of the Legislature of Ontario, passed in the                      year of Her Majesty's reign.

I,                      A. B.                      , chief engineer of the Aylmer and Port Burwell Railway Company of Canada, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.                      of the township of                      , (or under the agreement dated the                      day of                      , between the corporation of                      and the said company), to entitle the said company to receive from the said trust the sum of                      dollars. (*Here set out the terms and conditions, if any, which have been fulfilled.*)





No. 29.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL

to incorporate the Aylmer and Port  
Burwell Railway Company of Canada,

First Reading,                      , 1890.

(Private Bill.)

Mr. DANCE.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to Incorporate the Aylmer and Port Burwell  
Railway Company of Canada.

**W**HEREAS the persons hereinafter named and others have Preamble.  
petitioned for incorporation as a company to construct,  
equip and operate a railway from Port Burwell in the township  
of Bayham, passing through or near the village of Vienna, and  
through the town of Aylmer to some point in the township of  
North Dorchester, or in the township of North Oxford; and  
whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. William Youell Emery of Port Burwell, merchant, David Incorporation  
Marshall of Aylmer, merchant, George I. Walker of Aylmer,  
commission merchant, F. A. Ashbaugh of Aylmer, grocer,  
S. S. Clutton, of Vienna, woollen manufacturer, J. H. Teal of  
Vienna, esquire, William E. Smith of Malahide, yeoman,  
William Warnock, jun., of Aylmer, banker, and such other per-  
sons and corporations as shall hereafter become shareholders of  
the said company, are hereby constituted a body corporate and  
politic under the name of "The Aylmer and Port Burwell  
Railway Company of Canada," (hereinafter called the  
company.)

2. The several clauses of the *Railway Act of Ontario, and* Railway Act  
*of every Act in amendment thereof,* shall be incorporated with, to apply.  
and be deemed to be part of this Act, and shall apply to the  
said company and to the railway to be constructed by them,  
except *only* so far as they may be inconsistent with the express  
enactments hereof, and the expression "this Act" when used  
herein shall be understood to include the clauses of the said  
*Railway Act, and of every Act in amendment thereof* so incor-  
porated with this Act.

3. The company hereby incorporated and their servants Location of  
and agents, shall have full power under this Act to construct, line.  
equip and operate a railway with all its stations, sidings, tele-  
graph and accessories, from Port Burwell in the township of  
Bayham, passing through or near the village of Vienna and  
through the town of Aylmer to some point in the township of  
North Dorchester or in the township of North Oxford.

4. The gauge of the said railway shall be four feet eight Gauge.  
and one-half inches.

5. From and after the passing of this Act, the said William Provisional  
Youell Emery, David Marshall, George I. Walker, F. A. Ash- directors.  
baugh, S. S. Clutton, J. H. Teal, William E. Smith and William

Warneck, jun., with power to add to their number shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until the first election of directors under this Act.

Powers of  
provisional  
directors.

Rev. Stat. c.  
170.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock and to sue for and recover the same, and to cause plans and surveys to be made and to receive for the company, any grant, loan, bonus, or gift, made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors, the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion, or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the town of Aylmer or at such other place as may best suit the interests of the said company.

Capital stock.

Rev. Stat. c.  
170.

7. The capital stock of the company shall be \$325,000, with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into 6,500 shares of \$50 each and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised and paid into the company, shall be applied in the first place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act, or in promoting the undertaking, and of all expenses for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment, completion and the operating of the said railway, and the other purposes of this Act, and to no other purpose whatever, and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may by resolution of which ten days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company or be allowed to it in payment of stock.

Municipal  
aid for preliminary  
expenses.

8. When, and so soon as shares to the amount of \$50,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors, giving at least four weeks notice in one paper published in the county of Elgin, and in the *Ontario Gazette* of the time, place and object of such meeting, and at such general meeting the shareholders then present either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the company, in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors and shall hold office until the next general annual meeting, and may also make and pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

First meeting for the election of directors.

9. In case the provisional directors neglect to call a meeting for the space of two months after \$50,000 of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers collectively for not less than \$5,000 of the capital stock, and who have paid up all calls thereon, provided that such meeting is called in the manner in the next preceding section set forth.

Provision in case directors neglect to call meeting.

10. Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the town of Aylmer or at such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the County of Elgin, during the four weeks preceding the week in which such meeting is to be held.

Annual meeting.

11. Special general meetings of the shareholders of the company may be held at such place in the town of Aylmer or at such other place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in section ten of this Act.

Special general meetings.

12. In the election of directors under this Act no person shall be elected a director unless he shall be a holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up.

Qualification of directors.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Rights of aliens.



**Scale of votes.** 14. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held.

**Corporations who represented.** 15. At all meetings of the shareholders of the company the stock held by municipal and other corporations may be represented by such persons as they shall have respectively appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

**Quorum of directors.** 16. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, *a majority of the directors* shall form a quorum for the transaction of business.

**Calls.** 17. Calls on the subscribed capital of the company may be made by the directors for the time being as they shall see fit; provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month, and notice of each call shall be given as provided in section ten of this Act.

**Transfer of shares.** 18. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

**Form of conveyances.** 19. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

**Aid to company.** 20. The company may receive from any government, or from any persons or bodies corporate or politic who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures, or other securities for money or by way of guarantee, upon such terms and conditions as may be agreed upon.

**Aid from municipalities.** 21. Any municipality or any portion of a township municipality which may be interested in securing the construction



of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation under and subject to the provisions herein contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Proviso.

**22.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, Provisions as to bonus by-laws.  
namely:—

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto. Rev. Stat. c. 184.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid. Rev. Stat. c. 184.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

**23.** Such by-law shall in each instance provide—

Provisions of by-law.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers, *thereof* are hereby authorized to execute and issue in such cases respectively.

- (3) In the case of guarantee, the by-law shall provide for the due application of the amount to be raised for the purposes thereof, and for assessing and levying upon all ratable property lying within the municipality, minor municipality or portion of the township municipality defined by the said by-law (as the case may be) an annual special rate sufficient to pay from time to time the sum guaranteed, and to include a sinking fund in the case of the principal of the debentures of the company being guaranteed for a period not exceeding twenty years, which guarantee the respective municipal councils, wardens, mayors, reeves or other officers are hereby authorized to execute.

Disputes as to  
bonus by-laws  
to be referred  
to arbitration.

**24.** In the case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Minor municipi-  
pality, mean-  
ing of.

**25.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Deposit for  
expenses

**26.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law car-  
ried council to  
pass same.

**27.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

And issue  
debentures

**28.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures

provided for by the by-law, and deliver the same, duly executed, to the trustees appointed or to be appointed under this Act.

**29.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rate on portions of municipality

**30.** The provisions of the *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Municipal Act to apply to by-law.

**31.** The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year. Extension of time for commencement.

**32.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time, provided that no such extension shall be for a longer period than one year at a time. Extension of time for completion.

**33.** Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of said municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein. Rate not exceeding three cents in the dollar valid.

**34.** It shall further be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situated, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein. Exemption from taxation.

**35.** Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company any lands belonging to such municipality or over Grant of land.



which it may have control, which may be required for right of way, station grounds, or for other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Trustees of  
debentures.

**36.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses or in case of only one municipality granting a bonus then by the head of such municipality, all the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities or head of the said municipality shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the said company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust or goes to live out of the Province of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of pro-  
ceeds of de-  
bentures.

**37.** The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank, having an office in the town of Aylmer, in the name of "The Aylmer and Port Burwell Railway Company of Canada Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to  
Trustees.

**38.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

39. It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises to pass a by-law or by laws, empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession of or under the control of any joint stock company, and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. Right to use highways.

40. The company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by the *Act respecting Electric Telegraph Companies*, Chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company. Telegraph and telephone lines.  
Rev. Stat. c. 138.

41. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals, for the construction or equipment of the line or of any portion thereof including or excluding the purchase of the right of way, and to pay therefor in cash or bonds or in paid up stock or otherwise as may be deemed expedient, provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially called to consider the same. Power to contract for construction and equipment of railway.  
Proviso.

42. It shall be lawful for the company to enter into any agreement with the Canada Southern Railway Company or the Canadian Pacific Railway Company or the Credit Valley Railway Company if lawfully empowered to enter into such agreement, for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreement with the Canada Southern Railway Company or the Canadian Pacific Railway Company or the Credit Valley Railway Company, if so lawfully authorized for the working of the said railway, or for running powers over the same on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of the railway or the use thereof, and generally to make any agreement or agreements with either of the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway, or the rolling stock of either, or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation herefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies leasing or entering into such agreement for the using the said line, may, and is hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by



**Proviso.** this Act conferred ; provided that every such lease or agreement shall first be sanctioned at a *special* general meeting called for the purpose of considering the same, according to the by-laws of the company, and the provisions of this Act by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which are not within the legislative authority of this Province.

**Agreements  
for the use of  
rolling stock,  
etc-**

**43.** It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or the use of any locomotives, carriages, rolling stock and other movable property, from such persons or companies, for such time or times and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

**Negotiable  
instruments.**

**44.** The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note or bill of exchange made, *accepted*, or endorsed by the president or vice-president of the company and countersigned by the treasurer of the said company, and under the authority of a quorum of the directors shall be binding on the company, and every such promissory note and bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the company to issue any *promissory* note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

**Proviso.**

**Issue of  
bonds.**

**45.** The directors of the company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the company and countersigned by the secretary, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, pro rata, with all the other holders thereof upon the undertaking and property of the company

as aforesaid; provided, however, that the whole amount of such Proviso. issue of bonds shall not exceed in all the sum of \$20,000 per mile; and provided that in the event at any time of the inter- Proviso. est upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the Proviso. bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

**46.** All such bonds, debentures and other securities Form of bonds. and coupons and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name, and all such bonds, debentures and other securities and coupons and interest warrants thereon, respectively, may be made payable in lawful money of Canada, or in sterling money of Great Britain, at some place in Canada, or London, England, or in the city of New York, in the state of New York, or at all or any of such places.

**47.** The company shall have power to collect and re- Power to collect back charges on goods. ceive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payments in all the rights and remedies of such persons for such charges.

**48.** The company hereby incorporated may from time to Power to mortgage bonds. time for advances of money to be made thereon, mortgage or pledge any bonds or debentures which under the powers of this Act can be issued, for the construction of the railway or otherwise.

**49.** The company shall have full power to construct and Power to purchase land for docks, etc. erect docks, stations, workshops and offices, and to purchase lands for such purposes, and to sell and convey such land as may be found superfluous for any such purpose, and shall have power to construct, purchase, charter and navigate steamers, vessels and other watercraft on Lake Erie or any other inland navigable waters in Canada, for the purpose of traffic in connection with the said railway.

**50.** The said provisional directors or the elected directors Power to make certain payments in 5 stock. may pay or agree to pay in paid up stock or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors, or for the right of way or material, plant or rolling stock, and also when sanctioned by a vote of the majority of shareholders present at any general meeting, for the services of promoters or other persons who may be employed by the directors in the furtherance of the undertaking,

or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or *de facto* directors or not, and any such agreements so made shall be binding on the company.

Power to construct railway in sections.

Rev. Stat., c. 170.

Rev. Stat. c. 170.

Rev. Stat. c. 170.

Acquiring gravel, etc.

Rev. Stat. c. 170.

Sidings to gravel pits.

**51.** The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto, with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of *The Railway Act of Ontario*, and the amendments thereto, applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited according to the said clauses of the said *The Railway Act of Ontario*, and the amendments thereof, with respect to "plans and surveys."

**52.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situated, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and the notice of the arbitration, the award and tender of compensation shall have the same effect as in case of arbitration for the roadway: and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey; and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining of materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

**53.** When said gravel, stone, sand, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene



between the railway and the lands on which the said material shall be found, whatever the distance may be ; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated ; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Rev. Stat. c  
170.

(2). When estimating the damages for the taking of gravel, stone or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

54. The construction of the said railway shall be commenced within three years, and the same shall be completed within five years after the passing of this Act.

Commence-  
ment and com-  
pletion of rail-  
way.

55. Wherever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any parcel or lot of land, over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to pur-  
chase whole  
lots.

Rev. Stat.  
c. 170.

## SCHEDULE A.

(Section 19.)

### FORM OF CONVEYANCE.

Know all men by these presents, that I, (or we), [*insert the names of the vendors*] in consideration of            dollars, paid to me (or us) by the Aylmer and Port Burwell Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I, (or we), [*insert the name of any other party or parties*] in consideration of            dollars, paid to me, (or us), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain, (or those certain parcels, *as the case may be*), of land, [*describe the land*,] the same having been selected and laid out by the said Company, for the purposes of their railway, to hold with the appurtenances unto the said Aylmer and Port Burwell Railway Company of Canada, their successors and assigns, *forever* [*here insert any other clauses, covenants and conditions required*,] and I, (or we), the wife, (or wives), of the said            , do hereby bar my, (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)  
this                      day of                      , A.D. 189   .

Signed, sealed, and delivered }  
in the presence of                      } [L.S.]

## SCHEDULE B.

(Section 37.)

No.                      CHIEF ENGINEER'S CERTIFICATE.                      A.D. 18   .

The Aylmer and Port Burwell Railway Company of Canada's  
office.

### ENGINEER'S DEPARTMENT.

Certificate to be attached to cheques drawn on the Aylmer and Port Burwell Railway Company of Canada's Municipal Trust Account, given under section                      , chapter                      , of the Acts of the Legislature of Ontario, passed in the                      year of Her Majesty's reign.

I,                      A. B.                      , chief engineer of the Aylmer and Port Burwell Railway Company of Canada, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.                      of the township of                      , (or under the agreement dated the day of                      , between the corporation of                      and the said company), to entitle the said company to receive from the said trust the sum of                      dollars. (*Here set out the terms and conditions, if any, which have been fulfilled.*)





No. 29.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL

An Act to Incorporate the Aylmer and Port  
Burwell Railway Company of Canada,

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First Reading, 26th February, 1890.

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*(Reprinted as amended by Railway  
Committee.)*

(Private Bill.)

MR. DANCE.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to Consolidate the Debenture Debt of the  
County of Middlesex.

**W**HEREAS the corporation of the county of Middlesex have by petition set forth that the total present indebtedness of the said county, originally contracted or incurred previous to the first day of January, 1863, is the sum of \$503,900, now secured by debentures; and that they desire to discharge the said indebtedness by the issue of new debentures; and whereas it is further set forth in the aforesaid petition that the only other indebtedness of the said county is the sum of \$20,000 now secured by debentures for the payment of which, with the interest thereon, the whole of the said county, as at present constituted is liable, and to which no part of this Act is to apply; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

**1.** The corporation of the county of Middlesex may raise by way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons body or bodies corporate in this Province or in Great Britain or elsewhere a sum of money not exceeding \$503,900 exclusive of interest.

Power to borrow on debentures \$503,900.

**2.** The said corporation from time to time in such manner as the council thereof shall by by-law direct may cause to be issued debentures of the said county, with coupons attached, for the payment of interest thereon under its corporate seal, signed by the warden and countersigned by the treasurer thereof, in such sums not exceeding in the whole \$503,900, exclusive of interest, and payable at such periods as the council thereof shall direct, but not exceeding twenty years from the respective dates of the issue thereof, and the principal sums secured by such debentures and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, as the said council shall direct or deem expedient.

Issue of debentures authorized.

**3.** The proceeds of the sale of the said debentures, which may from time to time, as decided by the council of the said corporation, be issued under this Act, shall be applied by the said corporation in payment of the now outstanding debentures representing the hereinbefore first-mentioned indebtedness, and for no other purpose whatever, and the treasurer of the said county, on receiving instructions so to do from the said council, may, with the consent of the holders of the said outstanding debentures, call in such outstanding debentures

Application of debentures.

and discharge the same with the funds raised under this Act, or may substitute therefor debentures issued under this Act, as may be agreed between the holders of such outstanding debentures and the said corporation.

Provisions of  
municipal Act  
to apply.

4. Except where otherwise provided by this Act, the payment, satisfaction and discharge of the said debentures and the providing for such payments and the issue of said debentures, and all by-laws passed in respect thereof shall be in conformity with and as required by either sections 340 or 342 of *The Municipal Act*. 5 10

By-laws not to  
be repealed  
until debt  
paid.

5. Any by-law passed under this Act authorizing the issue of said new debentures, or any part thereof, shall not be repealed until the debt created thereby and interest thereon shall be paid and satisfied.

Assent of  
electors to by-  
law not  
required.

6. It shall not be deemed necessary to the validity of said debentures to obtain the consent of the electors of the said county to the passing of any by-law under this Act or to observe the provisions of section 345 of *The Municipal Act*, but except otherwise provided by this Act, all other provisions of said Act shall apply to said debentures and to all by-laws to be passed in respect thereof. 15 20

Certain local  
municipalities  
excepted from  
liability.

7. The townships of Biddulph and McGillivray, the village of Lucan, originally part of the township of Biddulph, and that part of the village of Ailsa Craig, which formerly formed part of the township of McGillivray formerly belonging to and detached from the county of Huron and annexed to the county of Middlesex by chapter 28 of the Acts of the late Province of Canada passed in the 25th year of Her Majesty's reign, shall be exempt from any and all charge or liability for the payment of the debentures issued under this Act or the interest thereon or any portion of either thereof. 25 30

County council  
to levy rate  
for payment  
of debentures.

8. It shall be lawful for and imperative upon the council of the county of Middlesex to make and levy from time to time, the amounts required to pay the debentures issued under this Act, and the interest thereon, upon and from the municipalities now constituting the county of Middlesex, except the townships of Biddulph and McGillivray, the village of Lucan, and so much of the village of Ailsa Craig as formerly formed part of the township of McGillivray, upon which no part thereof shall be levied. 35

Provisions of  
47 V. c. 52,  
not to be  
affected.

9. Nothing in this Act contained shall be taken or held to vary or repeal the whole or any part of the Act of the Legislature of Ontario, intituled "An Act respecting the debt of the County of Middlesex," passed in the 47th year of Her Majesty's reign and chapter 52. 40





4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to Consolidate the Debenture Debt  
of the County of Middlesex.

First Reading,	1890.
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(Private Bill).

Mr. Ross (*Middlesex*).

TORONTO :

PRINTED BY WARWICK & SONS, 69 & 70 FRONT ST. W.

An Act to amend the Act incorporating the Toronto  
Young Men's Christian Association.

**W**HEREAS The Toronto Young Men's Christian Association have by their petition prayed that their Act of Incorporation may be amended as hereinafter set forth; and whereas it is expedient to grant the prayer of said petition;  
5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of the said Act passed in the 31st year of Her Majesty's reign, chaptered 59, entitled "An Act to incorporate the Toronto Young Men's Christian Association," is hereby amended by striking out all the words in the eleventh line of said section after the word "estate" and the whole of the twelfth line thereof, and by substituting therefor the following: "in the said city of Toronto and its vicinity, provided  
15 the annual value of the real estate, so held and not actually used for the work of the said corporation."

2. Section 3 of the said Act is hereby repealed and the following substituted therefor:—

3. The object of the said corporation shall be the spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, classes, reading rooms, libraries, gymnasiums, and such other means as may from time to time be determined upon.

3. The said corporation may establish and maintain branch associations in different parts of the said city and vicinity thereof.

4. The real estate of the said corporation shall be managed and controlled by the present board of trustees of the said association and their successors in office, and shall not, nor shall any part of it, be liable for any future debt or obligation unless the same shall have been contracted with the consent of the board of trustees of said corporation.

BILL.

An Act to amend the Act incorporating the  
Toronto Young Men's Christian Associa-  
tion.

First Reading

1890.

(Private Bill.)

MR. H. E. CLARKE  
(*Toronto.*)

TORONTO:

PRINTED BY WATKINS & SONS, 68 AND 70 FROST ST. W.

An Act to enable the Corporation of the City of Ottawa to issue Debentures to the amount of \$50,000.

WHEREAS the Corporation of the City of Ottawa have by their petition represented that the said corporation has incurred liabilities to pay for property acquired by the corporation, and for the construction of works of a permanent nature and other expenditures rendered necessary by the recent extension of the city limits, and that it is necessary to borrow a sum of money not exceeding in the whole the sum of \$50,000 for the purposes of discharging such liabilities; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the council of the corporation of the city of Ottawa for the purposes aforesaid, to pass a by-law or by-laws to authorize the issue of debentures of the said corporation, for a sum of money not exceeding \$50,000, in such sums of not less than \$100 each, as the said corporation may deem expedient, which said debentures shall be made payable not more than twenty years from the day on which they respectively bear date, which said debentures shall bear interest at a rate not exceeding five per centum per annum, payable half-yearly, and such debentures shall be signed by the mayor and the treasurer of the city for the time being, and may be made payable in sterling or currency in Great Britain, in this Province or elsewhere as to the said corporation shall seem expedient.

2. The by-law or by-laws of the said corporation passed under the authority of this Act shall not require to be submitted to, or to have the assent of the electors of the said city of Ottawa, before the final passing thereof; nor shall it be necessary that any of the provisions of *The Municipal Act* relating to by-laws for creating debts be complied with.

3. No defect in substance or in form of the said debentures, or of the by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any, or either of them, or any part thereof.



No. 33.

4th Session, 6th Parliament, 53 Vic. 1890.

BILL.

An Act to enable the Corporation of the  
City of Ottawa to issue Debentures to the  
amount of \$50,000.

First Reading,	1890.
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(Private Bill.)

Mr. BRONSON.

TORONTO:

PRINTED BY WATKINS & SONS, 68 AND 70 FRONT ST. W.

An Act to enable the Corporation of the City of Ottawa to issue Debentures to the amount of \$50,000.



**W**HEREAS the municipal council of the corporation of the city of Ottawa have by their petition represented that the said corporation has incurred liabilities to pay for property acquired by the corporation, and for the construction of works of a permanent character, and other expenditures rendered necessary by the recent extension of the city limits,  and to a great extent required by the terms of the Act passed in the fiftieth year of the reign of Her Majesty and chaptered fifty-three, extending the limits of the said city  and that it is necessary to borrow a sum of money not exceeding in the whole the sum of \$50,000 for the purposes of discharging such liabilities; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall be lawful for the council of the corporation of the city of Ottawa for the purposes aforesaid, to pass a by-law or by-laws to authorize the issue of debentures of the said corporation, for a sum of money not exceeding \$50,000, in such sums of not less than \$100 each, as the said corporation may deem expedient, which said debentures shall be made payable not more than twenty years from the day on which they respectively bear date, *and* shall bear interest at a rate not exceeding five per centum per annum, payable half-yearly, and such debentures shall be signed by the mayor and the treasurer of the city for the time being, and may be made payable in sterling or currency in Great Britain, in this Province or elsewhere as to the said corporation shall seem expedient.

Issue of debentures authorized.

 2. For the payment of the debt and interest represented by the said debentures to be issued under the authority of this Act there shall be annually raised, levied and collected by the said corporation during the currency of the said debentures a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the then ratable or assessable property of the said corporation as appearing by the last revised assessment roll thereof. 

3. The by-law or by-laws of the said corporation passed under the authority of this Act shall not require to be submitted to, or to have the assent of the electors of the said city of Ottawa, before the final passing thereof.

By-laws not to require assent of electors.

Irregularities  
in form not to  
affect validity  
of debentures.

4. No defect in substance or in form of the said debentures, or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any, or either of them, or any part thereof.



No. 33.

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4th Session, 6th Legislature, 53 Vic, 1890

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BILL.

An Act to enable the Corporation of the  
City of Ottawa to issue Debentures to the  
amount of \$50,000.

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First Reading, 19th February, 1890.

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*(Reprinted as amended by Private Bills  
Committee)*

(Private Bill.)

Mr. BRONSON.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



## An Act respecting St. Andrew's Church Ottawa.

WHEREAS the temporal committee of St. Andrew's Church, Preamble.  
in the city of Ottawa, have, by their petition, represented

that they desire certain amendments to their Act of incorporation, being the Act passed by the Legislature of Ontario, in the  
5 31st year of Her Majesty's reign, intituled "*An Act to Incorporate the Temporal Committee of St. Andrew's Church, in the City of Ottawa, in connection with the Church of Scotland, and to vest certain property in the said Temporal Committee,*" and  
also in the Act amending the same passed by the Legislature  
10 of Ontario in the thirty-eighth year of Her Majesty's reign and chaptered 86, and that it is necessary to constitute a separate board of trustees to hold, manage and sell or lease the lands of the said corporation known as the glebe lot, and to conserve and deal with the proceeds of any sales of such lands,  
15 and also to declare and define the purposes to which said proceeds may be applied, and for amendments as to the mode of electing the temporal committee, and the persons who shall be entitled to vote at the meetings of the congregation, and that  
20 the said congregation in special meeting assembled, have approved of the said petition and of the provisions of this Act, and the said temporal committee have, therefore, prayed for the passing of an Act affecting said amendments and granting said powers ; and whereas it is expedient to grant the prayer of the said petition ;  
25 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Lot letter H, in concession C, Rideau front, of the town- Lands vested in trustees.  
ship of Nepean, in the county of Carleton, known as the glebe  
30 lot, and the rents, issues and profits of the said lot are hereby vested in Erskine Henry Bronson, Francis Henry Chrysler and George Stockand and their successors and assigns forever, and the said Erskine Henry Bronson, Francis Henry Chuysler and George Stockand and their successors in office, to be elected in  
35 manner hereinafter provided, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Glebe Trustees of St. Andrew's Church," hereinafter referred to as the trustees, and shall have all the rights and powers vested in corporations generally by *The Interpretation Act*, and the said trustees shall have and hold the said  
40 lands and premises, and the rents, issues and profits thereof, and all the easements and appurtenances thereof in as full and ample a manner as the same are now held and enjoyed by the temporal committee of St. Andrew's Church, in the city of  
45 Ottawa, in connection with the Church of Scotland, including the portions of the said lot held by the said temporal com- Rev. Stat. c. 1.

mittee under lease from the principal officers of Her Majesty's Ordinance; and also, the right, title and interest of the said temporal committee, whether legal or equitable in any portions of the said lot heretofore sold, or agreed to be sold by them, but subject to all mortgages, liens, contracts, obligations and incumbrances upon the said lot or affecting the same, as the same subsisted immediately before the passing of this Act. 5

Powers of temporal committee transferred to trustees.

2. The trustees shall have the right to maintain and enforce in their corporate name all the rights of the temporal committee with respect to the said glebe lot, as the same subsisted immediately before the passing of this Act, and all mortgages, contracts of sale, leases, forfeitures and agreements made by or with the temporal committee with respect to the property hereby vested in the said trustees, and may also in their own name vary, renew, and in whole or in part assign, discharge 15 and release, or otherwise deal with any mortgage, or any other contract, agreement or obligation made by the said the temporal committee of St. Andrew's Church with respect to the said glebe lot.

Lands to be held upon certain trusts.

3. The said lands and premises hereby vested in the trustees shall be held by the trustees to, upon and for the trusts, purposes and uses declared and expressed in respect of the same in and by this Act. 20

Trustees may make and repeal by-laws.

4. The trustees may from time to time, make, alter and repeal by-laws not contrary to law or this Act, respecting the said property and the maintenance and improvement thereof, the regulation and conduct of the business of the trustees, the mode of executing the powers and duties of the trustees and of their servants and agents, the books and accounts to be kept, the deposit, withdrawal, and investment of money, the employment and remuneration of a secretary and treasurer or secretary-treasurer, and any other assistance that may be from time to time required, and all other similar or different matters relating to the said trust which they may deem expedient for and in the interests of their trust. 25 30 35

By-laws to be ratified by congregation.

5. No such by-law shall have any force or effect unless and until approved and ratified by a majority of the members of the congregation entitled to vote and present at any annual or special meeting of the said congregation.

Trustees may sell or lease lands with consent of members.

6. The said trustees may lease, sell, alienate and convey, the said lands and premises, or any part thereof, but no lease or sale of the said lands, or any part thereof, shall be valid, unless and until, a majority of the members of the congregation, entitled to vote, and present at any annual or special meeting of the said congregation, shall consent to the terms of the by-law authorizing such lease or sale as hereinafter provided. 40 45

Consent of members, how given and powers of trustees thereafter.

7. Such consent shall be given by by-law, passed by the trustees, and ratified at such annual or special meeting, and the said by-law may provide for selling or letting the whole property, or any part or parts, or any blocks, parcels, or lots thereof, at a minimum price or rental, and upon terms and conditions to be set forth in such by-law, but the said by-law need not contain the names of purchasers or lessees, and may 50

contain any number of blocks, parcels or lots, in one by-law, and after the consent of the congregation shall be so given to such price or rental, the said trustees may make and complete any contract for selling or letting such property to any purchaser or lessee, and may grant, convey or lease the same, and carry into effect the said by-law, upon the terms and conditions therein set forth. The said trustees shall be at liberty, in their discretion, to demand and obtain, a higher price or rental, than that named in the by-law, and they shall not be compelled to sell or lease, upon the terms of the by-law, unless they see fit to do so, and such by-law shall be construed merely as permissive. The congregation may however, at any time by vote of two-thirds of the persons voting, and entitled to vote, at any annual meeting of the congregation, or at any special meeting, duly called for that purpose, pass a peremptory resolution or by-law directing the selling or leasing the said property or any part thereof, and it shall thereupon be the duty of the said trustees to give effect thereto so far as may be.

8. The trustees may, from time to time, mortgage the said property, or any part thereof, for the purpose of borrowing any sums of money required for any purpose to which the proceeds of the sales of the said property may be applied; provided that such mortgage be made, with the consent of a majority of the members of the congregation present, and entitled to vote, at any annual or special meeting of the said congregation

Trustees may borrow money on mortgage with consent of members.

9. A copy of any by-law, passed for any of the purposes aforesaid, or of so much thereof as relates to the parcel of land in question, certified under the seal of the trustees, shall be sufficient evidence of the said by-law, and of the consent of the congregation having been lawfully given thereto, and no want of form, in the calling of, or proceedings at any meeting, or in any such by-law or certificate, shall render void or voidable any lease, conveyance, or mortgage, executed in pursuance thereof.

Certified copy of by law to be evidence.

10. The trustees may expend any portion of the principal derived from the sale of the said lands, for roads, drainage, fences, buildings and in such other permanent improvements as may from time to time be necessary, but no outlay for any work or improvement involving an expenditure of more than \$500, shall be undertaken without the consent of the congregation to a by-law for that purpose in the same manner as in cases of sales of land.

Expenditure of proceeds of sale by trustees.

11. The trustees may, with the like consent, take payment or part payment for land, in the stock of any company organized to improve and sell the said lands or any part thereof

Trustees may accept stock in certain companies in payment for land.

12. The income derived from rents and interest, shall be applied, first in payment of the taxes, repairs and other necessary expenses and outlay in maintaining, conserving and managing the said property but no sum shall be paid for the personal services of the members of the board, and the balance, if any, shall be paid over to the temporal committee annually on or before the first Monday in March in each year.

Application of income from rents and interest.

13. The moneys received from sales of land, shall be separated, and kept separate, from the rents and interest, and shall

Application of proceeds of sales.



be funded, and shall be applied, first, in the payment of the mortgages, charges and incumbrances, affecting the said property, and afterwards, to such purposes, as may be, from time to time, designated, by by-law of the temporal committee duly sanctioned at a general meeting of the congregation, provided that such purpose is within the scope of this Act or of either of the Acts hereby amended, and upon the authority of such a by-law duly sanctioned, it shall be the duty of the trustees to pay over to the temporal committee so much of the principal moneys in their hands as are designated by such by-law. Pending such payment and unless invested under the powers conferred by section fourteen, all such moneys shall be deposited in one of the chartered banks of the Dominion of Canada to the credit of the trustees, and shall only be withdrawn by the cheque of a majority of the trustees.

Powers of investment of trustees.

**14.** The said trustees shall have all the powers of investment, which, by law, trustees or executors now have in this Province, and may sell and convert into cash any mortgages held by them.

Execution of deeds etc., by trustees.

**15.** Deeds mortgages leases, contracts and conveyances to which the trustees are parties, shall be sufficiently executed by them if sealed with their corporate seal as such trustees and signed by two of the trustees.

Temporal committee, election and tenure of office of

**16.** The temporal committee shall hereafter consist of six members who shall hold office for three years, two of them retiring annually, in rotation, and upon the first election held after the passing of this Act, two of such members shall be elected for three years, other two for two years, and the remaining two for one year, or until the then next annual meeting and the persons theretofore composing the temporal committee shall thereupon cease to hold office.

Trustees, election and term of office of.

**17** The trustees shall also hold office for three years, one of them retiring annually, in rotation, and upon the first election held after the passing of this Act one of such members shall be elected for three years, another of them for two years, and the third for one year or until the then next annual meeting and thereupon the trustees named in section one shall cease to hold office.

First meeting for election of committee and trustees.

**18.** The first meeting for the election of a temporal committee and of trustees, under this Act, shall be a special meeting, and shall be held on the first Monday of the month of June next after the passing of this Act, and thereafter, such election shall take place at the annual meeting of the congregation on the first Monday in the month of March, and such election shall be by ballot, after nomination.

Retiring members of committee, or trustees eligible for re-election.

**19.** Any retiring member of the temporal committee, or any one of the trustees, not otherwise disqualified, shall be eligible for re-election, but no member of the temporal committee shall be eligible for election to the office of trustee.

31 V. c. 61. s. 5, amended.

**20.** Section 5 of the Act passed in the 31st year of Her Majesty's reign and chaptered 61, is hereby amended by strik-

ing out all the words in the said section after the word "property," in the fourteenth line thereof.

21. Section 12 of the Act passed in the 38th year of Her Majesty's reign chaptered 86 is hereby amended by striking out all the words from the beginning of the said section down to, and inclusive of the word "congregation" in the sixth line thereof and by substituting therefor the words following, "such leases sales or mortgages only made by the said corporation shall be valid, as shall be first authorized by by-law passed by the temporal committee and ratified by a majority of two-thirds of the persons present and entitled to vote at any annual or special meeting of the congregation."

22. Section 9 of the Act passed in the 31st year of Her Majesty's reign chaptered 61, is hereby amended by striking out the words "the proprietors or lessees of pews or parts of pews" in the ninth line thereof, and substituting therefor the word "persons," and by striking out the words "as hereinafter provided" in the tenth line thereof.

23. Section, 12 of the Act passed in the 31st year of Her Majesty's reign, chaptered 61 is hereby repealed and the following section substituted therefor:—

12. The following persons, and such only, shall be considered members of the said congregation for the purposes in this Act mentioned and declared, and shall have a right to vote for the election of members of the temporal committee, and for trustees, and upon all matters submitted at meetings of the congregation viz:—

(1) The minister or ministers of the said congregation.  
(2) All proprietors of pews, and lessees of pews, or parts of pews, who have been actual occupants of a pew, or pews, or of a part of a pew, for at least one year immediately previous, and who are not in arrears for more than two quarters rent.

(3) All members of the said church, whether pew-holders or not, in good standing who are twenty-one years of age and not otherwise disqualified, and who have been communicants of the said church for at least one year immediately previous, and who have contributed to the revenues of the church for upwards of one year in such manner and to such amount as may from time time be defined by by-law of the temporal committee, duly ratified by the congregation.

24. The minister of the congregation, if present, shall preside at all meetings of the congregation, and in his absence a chairman elected by the meeting shall preside.

25. Section 14 of the Act passed in the 31st year of Her Majesty's reign, chaptered 61 is hereby repealed.

26. Section 15 of the said Act is hereby amended by striking out all the words from the beginning of the said section down to, and including the word "and" in the fifth line thereof, and by inserting the words "or trustees" after the words "temporal committee" wherever the same occur in that section.

27. Section 16 of the said Act is hereby amended by inserting the words "the temporal committee or of the Board of

38 V. c. 86, s. 2, amended.

31 V. c. 61, s. 9, amended.

31 V. c. 61, s. 12, repealed.

Who may vote at election of trustees or committee.

Who to preside at meetings of congregation.

31 V. c. 61, s. 14, repealed.

31 V. c. 61, s. 15, amended.

31 V. c. 61, s. 16, amended.



Trustees" after the word "of" at the end of the first line thereof, instead of the words "the said corporation."

31 V. c. 61, s.  
17, amended.

**28.** Section 17 of the said Act is hereby amended by striking out the words "and also at all meetings of the congregation" in the eighth and ninth lines of the said section.

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31 V. c. 61, s.  
18, repealed.

**29.** Section 18 of the said Act is hereby repealed and the following section substituted therefor:

Register of  
proceedings to  
be kept.

18. There shall be open and kept by the said corporation a register in which shall be entered and recorded from time to time the proceedings and transactions of the corporation which shall be open to the inspection of every member of the congregation at all reasonable times.

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31 V. c. 61, s.  
19, repealed.

**30.** Section 19 of the said Act is hereby repealed and the following section substituted therefor:

Committee  
and trustees to  
submit ac-  
counts to an-  
nual meetings.

19. The temporal committee and the trustees shall at each annual meeting submit full and correct accounts of their receipts and expenditure, and of their dealings with the funds and property respectively vested in or belonging to them.

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31 V. c. 61, s.  
20, repealed.  
Special meet-  
ings of congre-  
gation how  
called.

**31** Section 20 of the same Act is hereby repealed and the following section substituted therefor:

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20. The temporal committee or the trustees may call special meetings of the congregation by notice from the pulpit of St. Andrew's church during the service on each of the two successive Sundays immediately preceding the day appointed for such general meeting, and on a requisition signed by ten members of the said congregation it shall be the duty of the temporal committee, or of the trustees as the case may be, to call a special meeting of the congregation to be held within ten days after the delivery of such requisition or so soon thereafter as due notice can be given. The purpose or object of such meeting shall be specified in the requisition and in the notice calling the same and no business shall be transacted at any such special meeting other than that specified in the notice calling the same.

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Application of  
proceeds of  
sale of glebe  
lands.

**32.** Subject to the provisions of section 13 the proceeds derived from the sale of said glebe lands, or any lease or mortgage thereof, or of any part thereof, may be applied:

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(1) In the erection of any additional buildings upon the property of the congregation on Wellington street and Sparks street, in the city of Ottawa, required for the use of the said congregation, or in repairs, additions and improvements to the church and buildings now erected upon the said property, or which may at any time hereafter be erected thereon.

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(2) In the purchase of land, improved or unimproved, in the said city of Ottawa, not exceeding \$1,000 in annual value, and in building, repairing, altering or improving any house or buildings upon the said lands for a manse for the use of the minister or ministers of the said congregation.

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(3) In erecting directly, or by contribution, one or more churches or schools in the city of Ottawa, or in the suburbs thereof, for the use of the said congregation, or of a congregation, or congregations, hereafter to be organized within the Presbyterian Church in Canada. And in the purchase of land for any of the purposes aforesaid.

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(4) In any other similar or different way for the benefit of the said congregation, or of the Presbyterian Church in Canada, which shall be authorized by by-law of the temporal committee and approved of by the congregation as herein provided.

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NO. 34.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting St. Andrew's Church  
Ottawa.

First Reading, 1890.

(Private Bill.)

Mr.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting St. Andrew's Church Ottawa.

**W**HEREAS the Temporal Committee of St. Andrew's Church in the city of Ottawa, have, by their petition, represented that they desire certain amendments to their Act of incorporation, being the Act passed by the Legislature of Ontario, in the 31st year of Her Majesty's reign, intituled "*An Act to Incorporate the Temporal Committee of St. Andrew's Church, in the City of Ottawa, in connection with the Church of Scotland, and to vest certain property in the said Temporal Committee,*" and also in the Act amending the same passed by the Legislature of Ontario in the thirty-eighth year of Her Majesty's reign and chaptered 86, and that it is necessary to constitute a separate board of trustees to hold, manage and sell or lease the lands of the said corporation known as the glebe lot, and to conserve and deal with the proceeds of any sales of such lands, and also to declare and define the purposes to which said proceeds may be applied, and for amendments as to the mode of electing the temporal committee, and the persons who shall be entitled to vote at the meetings of the congregation, and that the said congregation in special meeting assembled, have approved of the said petition and of the provisions of this Act, and the said temporal committee have, therefore, prayed for the passing of an Act effecting said amendments and granting said powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Lot letter H, in concession C, Rideau front, of the township of Nepean, in the county of Carleton, known as the glebe lot, and the rents, issues and profits of the said lot are hereby vested in Erskine Henry Bronson, Francis Henry Chrysler and George Stockand and their successors and assigns forever *as a corporation*, and the said Erskine Henry Bronson, Francis Henry Chrysler and George Stockand and their successors in office, to be elected in manner hereinafter provided, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Glebe Trustees of St. Andrew's Church, *Ottawa*," hereinafter referred to as the trustees, and shall have all the rights and powers vested in corporations generally by *The Interpretation Act*, and the said *corporation* shall have and hold the said lands and premises, and the rents, issues and profits thereof, and all the easements and appurtenances thereof, in as full and ample a manner as the same are now held and enjoyed by the temporal committee of St. Andrew's Church, in the city of Ottawa, in connection with the Church of Scotland, including

Preamble.

Lands vested in trustees.

Rev. Stat. c. 1

the portions of the said lot held by the said temporal committee under lease from the principal officers of Her Majesty's Ordnance; and also, the right, title and interest of the said temporal committee, whether legal or equitable in any portions of the said lot heretofore sold, or agreed to be sold by them, but subject to all mortgages, liens, contracts, obligations and incumbrances upon the said lot or affecting the same, as the same subsisted immediately before the passing of this Act.

Powers of temporal committee transferred to trustees.

2. The trustees shall have the right to maintain and enforce in their corporate name all the rights of the temporal committee with respect to the said glebe lot, as the same subsisted immediately before the passing of this Act, and all mortgages, contracts of sale, leases, forfeitures and agreements made by or with the temporal committee with respect to the property hereby vested in the said trustees, and may also in their own name vary, renew, and in whole or in part assign, discharge and release, or otherwise deal with any mortgage, or any other contract, agreement or obligation made by the said the temporal committee of St. Andrew's Church with respect to the said glebe lot.

Lands to be held upon certain trusts.

3. The said lands and premises hereby vested in the trustees shall be held by the trustees to, upon and for the trusts, purposes and uses declared and expressed in respect of the same in and by this Act.

Trustees may make and repeal by-laws.

4. The trustees may from time to time, make, alter and repeal by-laws not contrary to law or this Act, respecting the said property and the maintenance and improvement thereof, the regulation and conduct of the business of the trustees, the mode of executing the powers and duties of the trustees and of their servants and agents, the books and accounts to be kept, the deposit, withdrawal, and investment of money, the employment and remuneration of a secretary and treasurer or secretary-treasurer, and any other assistance that may be from time to time required, and all other similar or different matters relating to the said trust which they may deem expedient for and in the interests of their trust, ~~and~~ and the *bona fide* payment of any money to and the receipt thereof by the Treasurer of the said Trustees shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication thereof. ~~and~~

By-laws to be ratified by congregation.

5. No such by-law shall have any force or effect unless and until approved and ratified by a majority of the members of the congregation entitled to vote and present at any annual or special meeting of the said congregation.

Trustees may sell or lease lands with consent of members.

6. The said trustees may lease, sell, alienate and convey, the said lands and premises, or any part thereof, but no lease or sale of the said lands, or any part thereof, shall be valid, unless and until, a majority of the members of the congregation, entitled to vote, and present at any annual or special meeting of the said congregation, shall consent to the terms of the by-law authorizing such lease or sale as hereinafter provided.

Consent of members, how given and powers of trustees thereafter.

7. Such consent shall be given by by-law, passed by the trustees, and ratified at such annual or special meeting, and the said by-law may provide for selling or letting the whole



property, or any part or parts, or any blocks, parcels, or lots thereof, at a minimum price or rental, and upon terms and conditions to be set forth in such by-law, but the said by-law need not contain the names of purchasers or lessees, and may contain any number of blocks, parcels or lots, in one by-law, and after the consent of the congregation shall be so given to such price or rental, the said trustees may make and complete any contract for selling or letting such property to any purchaser or lessee, and may grant, convey or lease the same, and carry into effect the said by-law, upon the terms and conditions therein set forth. The said trustees shall be at liberty, in their discretion, to demand and obtain, a higher price or rental, than that named in the by-law, and they shall not be compelled to sell or lease, upon the terms of the by-law, unless they see fit to do so, and such by-law shall be construed merely as permissive. The congregation may, however, at any time by vote of two-thirds of the persons voting, and entitled to vote, at any annual meeting of the congregation, or at any special meeting, duly called for that purpose, pass a peremptory resolution or by-law directing the selling or leasing the said property or any part thereof, and it shall thereupon be the duty of the said trustees to give effect thereto so far as may be.

8. The trustees may, from time to time, mortgage the said property, or any part thereof, for the purpose of borrowing any sums of money required for any purpose to which the proceeds of the sales of the said property may be applied; provided that such mortgage be made, with the consent of a majority of the members of the congregation present, and entitled to vote, at any annual or special meeting of the said congregation.

Trustees may borrow money on mortgage with consent of members.

9. A copy of any by-law, passed for any of the purposes aforesaid, or of so much thereof as relates to the parcel of land in question, certified under the seal of the trustees, shall be sufficient evidence of the said by-law, and of the consent of the congregation having been lawfully given thereto, and no want of form, in the calling of, or proceedings at any meeting, or in any such by-law or certificate, shall render void or voidable any lease, conveyance, or mortgage, executed in pursuance thereof.

Certified copy of by law to be evidence.

10. The trustees may expend any portion of the principal derived from the sale of the said lands, for roads, drainage, fences, buildings and in such other permanent improvements as may from time to time be necessary, but no outlay for any work or improvement involving an expenditure of more than \$500, shall be undertaken without the consent of the congregation to a by-law for that purpose in the same manner as in cases of sales of land.

Expenditure of proceeds of sale by trustees.

11. The trustees may, with the like consent, take payment or part payment for land, in the stock of any company organized to improve and sell the said lands or any part thereof.

Trustees may accept stock in certain companies in payment for land.

12. The income derived from rents and interest, shall be applied, first, in payment of the taxes, repairs and other necessary expenses and outlay in maintaining, conserving and managing the said property but no sum shall be paid for the personal services of the members of the board, and the balance, if any, shall be paid over to the temporal committee annually on or before the first Monday in March in each year.

Application of income from rents and interest.

Application of  
proceeds of  
sales.

**13.** The moneys received from sales of land, shall be separated, and kept separate, from the rents and interest, and shall be funded, and shall be applied, first, in the payment of the mortgages, charges and incumbrances, affecting the said property, and afterwards, to such purposes, as may be, from time to time, designated, by by-law of the temporal committee duly sanctioned at a general meeting of the congregation, provided that such purpose is within the scope of this Act or of either of the Acts hereby amended, and upon the authority of such a by-law duly sanctioned, it shall be the duty of the trustees to pay over to the temporal committee so much of the principal moneys in their hands as are designated by such by-law. Pending such payment and unless invested under the powers conferred by section fourteen, all such moneys shall be deposited in one of the chartered banks of the Dominion of Canada to the credit of the trustees, and shall only be withdrawn by the cheque of a majority of the trustees.

Powers of investment of  
trustees.

**14.** The said trustees shall have all the powers of investment, which, by law, trustees or executors now have in this Province, and may sell and convert into cash any mortgages held by them.

Execution of  
deeds etc., by  
trustees.

**15.** Deeds mortgages leases, contracts and conveyances to which the trustees are parties, shall be sufficiently executed by them if sealed with their corporate seal as such trustees and signed by two of the trustees.

Temporal  
committee,  
election and  
tenure of  
office of

**16.** The temporal committee shall hereafter consist of six members who shall hold office for three years, two of them retiring annually, in rotation, and upon the first election held after the passing of this Act, two of such members shall be elected for three years, other two for two years, and the remaining two for one year, or until the then next annual meeting and the persons theretofore composing the temporal committee shall thereupon cease to hold office.

Trustees, election and term  
of office of.

**17** The trustees shall also hold office for three years, one of them retiring annually, in rotation, and upon the first election held after the passing of this Act one of such members shall be elected for three years, another of them for two years, and the third for one year or until the then next annual meeting and thereupon the trustees named in section one shall cease to hold office.

First meeting  
for election of  
committee  
and trustees.

**18.** The first meeting for the election of a temporal committee and of trustees, under this Act, shall be a special meeting, and shall be held on the first Monday of the month of June next after the passing of this Act, and thereafter, such election shall take place at the annual meeting of the congregation on the first Monday in the month of March, and such election shall be by ballot, after nomination.

Retiring  
members of  
committee, or  
trustees eligible for re-  
election.

**19.** Any retiring member of the temporal committee, or any one of the trustees, not otherwise disqualified, shall be eligible for re-election, but no member of the temporal committee shall be eligible for election to the office of trustee.

**20.** Section 5 of the Act passed in the 31st year of Her Majesty's reign and chaptered 61, is hereby amended by striking out all the words in the said section after the word "property," in the fourteenth line thereof. 31 V. c. 61, s. 5, amended.

**21.** Section 2 of the Act passed in the 38th year of Her Majesty's reign chaptered 86 is hereby amended by striking out all the words from the beginning of the said section down to, and inclusive of the word "congregation" in the sixth line thereof and by substituting therefor the words following, "such leases sales or mortgages only made by the said corporation shall be valid, as shall be first authorized by by-law passed by the temporal committee and ratified by a majority of two-thirds of the persons present and entitled to vote at any annual or special meeting of the congregation." 38 V. c. 86, s. 2, amended.

**22.** Section 9 of the Act passed in the 31st year of Her Majesty's reign chaptered 61, is hereby amended by striking out the words "proprietors or lessees of pews or parts of pews" in the ninth line thereof, and substituting therefor the word "persons," and by striking out the words "as hereinafter provided" in the tenth line thereof. 31 V. c. 61, s. 9, amended.

**23.** Section, 12 of the Act passed in the 31st year of Her Majesty's reign, chaptered 61 is hereby repealed and the following section substituted therefor:— 31 V. c. 61, s. 12, repealed.

**12.** The following persons, and such only, shall be considered members of the said congregation for the purposes in this Act mentioned and declared, and shall have a right to vote for the election of members of the temporal committee, and for trustees, and upon all matters submitted at meetings of the congregation viz.:— Who may vote at election of trustees or committee.

(1) The minister or ministers of the said congregation.

(2) All proprietors of pews, and lessees of pews, or parts of pews, who have been actual occupants of a pew, or pews, or of a part of a pew, for at least one year immediately previous, and who are not in arrears for more than *one year's* rent.

(3) All members of the said church, whether pew-holders or not, in good standing who are twenty-one years of age and not otherwise disqualified, and who have been communicants of the said church for at least one year immediately previous.

**24.** The minister of the congregation, if present, shall preside at all meetings of the congregation, and in his absence a chairman elected by the meeting shall preside. Who to preside at meetings of congregation.

**25.** Section 14 of the Act passed in the 31st year of Her Majesty's reign, chaptered 61 is hereby repealed. 31 V. c. 61, s. 14, repealed.

**26.** Section 15 of the said Act is hereby amended by striking out all the words from the beginning of the said section down to, and including the word "and" in the fifth line thereof, and by inserting the words "or trustees" after the words "temporal committee" wherever the same occur in that section. 31 V. c. 61, s. 15, amended.

**27.** Section 16 of the said Act is hereby amended by inserting the words "the temporal committee or of the Board of" 31 V. c. 61, s. 16, amended.



Trustees" after the word "of" at the end of the first line thereof, instead of the words "the said corporation."

31 V. c. 61, s. 17, amended.

**28.** Section 17 of the said Act is hereby amended by striking out the words "and also at all meetings of the congregation" in the eighth and ninth lines of the said section.

31 V. c. 61, s. 18, repealed.

**29.** Section 18 of the said Act is hereby repealed and the following section substituted therefor :

Register of proceedings to be kept.

18. There shall be opened and kept by the said corporation a register, in which shall be entered and recorded from time to time the proceedings and transactions of the corporation which shall be open to the inspection of every member of the congregation at all reasonable times.

31 V. c. 61, s. 19, repealed.

**30.** Section 19 of the said Act is hereby repealed and the following section substituted therefor :

Committee and trustees to submit accounts to annual meetings.

19. The temporal committee and the trustees shall at each annual meeting submit full and correct accounts of their receipts and expenditure, and of their dealings with the funds and property respectively vested in or belonging to them.

31 V. c. 61, s. 20, repealed.

**31** Section 20 of the same Act is hereby repealed and the following section substituted therefor :

Special meetings of congregation how called.

20. The temporal committee or the trustees may call special meetings of the congregation by notice from the pulpit of St. Andrew's church during the service on each of the two successive Sundays immediately preceding the day appointed for such general meeting, and on a requisition signed by ten members of the said congregation it shall be the duty of the temporal committee, or of the trustees as the case may be, to call a special meeting of the congregation to be held within ten days after the delivery of such requisition or so soon thereafter as due notice can be given. The purpose or object of such meeting shall be specified in the requisition and in the notice calling the same and no business shall be transacted at any such special meeting other than that specified in the notice calling the same.

Application of proceeds of sale of glebe lands.

**32.** Subject to the provisions of section 13 the proceeds derived from the sale of said glebe lands, or any lease or mortgage thereof, or of any part thereof, may be applied :

(1) In the erection of any additional buildings upon the property of the congregation on Wellington street and Sparks street, in the city of Ottawa, required for the use of the said congregation, or in repairs, additions and improvements to the church and buildings now erected upon the said property, or which may at any time hereafter be erected thereon.

(2) In the purchase of land, improved or unimproved, in the said city of Ottawa, not exceeding \$1,000 in annual value, and in building, repairing, altering or improving any house or buildings upon the said lands for a manse for the use of the minister or ministers of the said congregation.

(3) In erecting directly, or by contribution, one or more churches or schools in the city of Ottawa, or in the suburbs thereof, for the use of the said congregation, or of a congregation, or congregations, hereafter to be organized within the Presbyterian Church in Canada. And in the purchase of land for any of the purposes aforesaid

(4) In any other similar or different way for the benefit of the said congregation, or of the Presbyterian Church in Canada, which shall be authorized by by-law of the temporal committee and approved of by the congregation as herein provided.





BILL.

An Act respecting St. Andrew's Church  
Ottawa.

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First Reading, 12th February, 1890.

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*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. BRONSON.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the old Cemetery and the Methodist Cemetery in the Town of Sarnia.

WHEREAS the corporation of the town of Sarnia have by Preamble  
their petition represented that the lands in the town of  
Sarnia known as the old cemetery, described as follows, that is  
to say:—Firstly a block of land bounded on the north by  
5 Maxwell street, on the east by Durham street, on the south by  
lot “A” on the north side of Elgin street and on the west by  
lot “B” on the south side of Maxwell street; secondly, lot “A”  
on the north side of Elgin street, and thirdly lot “B” on the  
south side of Maxwell street, have for many years past been  
10 used for the purpose of a public burying ground; that the  
firstly above described block of land was conveyed by George  
Durand now deceased to Malcolm Cameron, Archibald Young,  
Jr., Richard Emeric Vidal and Robert Skilbeck all deceased,  
for the purpose of public burying ground for the inhabitants  
15 of Port Sarnia (now town of Sarnia); and whereas the said  
lots “A” and “B” were purchased by the corporation of the  
town of Sarnia as an addition to the old cemetery and form a  
part thereof but no part of the said lands have for years been  
used for such purpose and the lands surrounding the same have  
20 been built upon, and are occupied, and the same are now  
partially unfenced and lying in common; and whereas  
the trustees of the Sarnia congregation of the Metho-  
dist Church of Canada have by the said petition repre-  
sented that the following lots in the town of Sarnia that is to  
25 say, lot two in Block “F” Maxwell estate, Sarnia, as shown in  
the map of the said town of Sarnia was purchased for the pur-  
pose of a burial ground for the said congregation; and where-  
as all the lands hereinbefore described have, pursuant to a by-  
law of the town of Sarnia, ceased for several years to be used  
30 for burial purposes; and whereas arrangements have been  
made with the Lake View Cemetery Company for burial plots  
in the cemetery established in the township of Sarnia by the  
said company which was incorporated under the laws of this  
Province; and whereas it is desirable that all of the lands herein-  
35 before described should be closed as cemeteries and that the  
bodies of the dead should be removed therefrom and that the  
said parcels of land known as the old cemetery should be  
vested in the corporation of the town of Sarnia for public pur-  
poses and that the said trustees of the Sarnia congregation of  
40 the Methodist Church of Canada should be authorised to sell  
the said lot two in block “F” so used as a cemetery for the  
said congregation; and whereas it is expedient to grant the  
prayer of the said petition;  
Therefore Her Majesty, by and with the advice and consent  
45 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

Old cemetery to be held by town for public purposes after removal of bodies.

1. It shall be lawful for the corporation of the town of Sarnia, after the removal as by this Act provided, of the bodies interred in those parcels of land known as the old cemetery, aforesaid, to have and to hold the said parcels of land, and after the passing of this Act the said parcels shall become and be, 5 and the same are hereby vested in the said corporation, and the same shall be held and used for any public purpose as the council of said corporation may by any by-law or by-laws to be passed from time to time determine, and the said corporation is hereby authorised to sell or convey in fee simple, the 10 whole or any part of the said lands, upon such terms and conditions and for such prices as may be deemed best, free and discharged of, and from all claims and demands of any person or persons who may have purchased.

Removal of remains of the dead from old cemetery.

2. The said corporation is hereby authorized forthwith 15 after giving notice as hereinafter mentioned, and at its own expense, to remove from the said old cemetery, the remains of the dead therein interred, to the Lake View Cemetery, at the sole cost of such corporation, and to re-inter such remains decently and in order, and to re-erect any monument or head- 20 stone erected in said old cemetery at the time of such removal, and so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment and so as that such re-interment shall be in burial places or plots, corres- 25 ponding in size as nearly as may be with those from which such remains shall have been removed

Notice to relatives of deceased.

3. The said corporation shall, before removing the remains as aforesaid, give written notice to the relatives of the dead when known, and during the period of one month, publish a 30 notice once in each week in the newspaper published in the said town, stating their intention to remove the said remains upon a day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice, and the said corporation shall be required to pay all 35 reasonable expenses incurred or sustained by the relatives in the removal of said remains; and no further or other notice to the friends or relatives of the deceased shall be necessary.

Removal of remains of the dead from Methodist burying ground.

4. The said trustees and their successors shall have full power and authority forthwith, after giving notice as herein- 40 after required, to remove of their own accord and at their own expense, and without any further notice to the friends and relatives of the dead, all the remains of the dead now interred in the lands and property above described, from the said place of interment to the Lake View Cemetery aforesaid, and the 45 remains of the dead so removed in pursuance of the powers in this section granted, shall be re-interred at the expense of the said trustees, in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed. 50

Notice to relatives of deceased.

5. The said trustees before removing the remains of the dead as in the last preceding section authorised, shall, during the period of two months publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the city of London, which said notice shall set forth the powers in the said 55

last preceding section granted and that parties owning burial lots in the said premises known as the Methodist cemetery, upon removing the said remains to the Lake View Cemetery, will receive conveyances of burying lots in the last named  
 5 cemetery, corresponding in size as nearly as may be, with those lots from which the remains of the dead shall have been so removed, and the said trustees shall be required to procure and furnish such conveyances and to pay all reasonable expenses incurred or sustained in or by reason of such removal and re-  
 10 interment of said remains in said Lake View Cemetery,

6. So soon as all the bodies which are now interred in the said burying ground first above mentioned, are removed as provided for above, the said trustees and their successors shall be, and they are hereby authorized to lease for any term of years  
 15 or to sell and convey in fee simple, or for any lesser estate, the whole of the lands and premises so granted to the said trustees as aforesaid and particularly described above, save and except the portion thereof described in the sixth section of this Act, either together, or in parcels, in such manner, for such prices,  
 20 and upon such terms and conditions as may be deemed best by the said trustees, and they are authorized to so lease or sell and convey as aforesaid, the said lands, free and discharged of and from all right, title, interest, claim and demand of any person or persons who may have purchased lots for burial purposes in  
 25 said parcel of land, or of their representatives, and the lots to be conveyed to such persons in the said Lake View Cemetery, shall be accepted by the said persons in lieu of the lots purchased by them in the said burying ground first above mentioned, and in lieu of all right, title, interest, claim or demand  
 30 they may have in respect thereof.

Trustees authorized to sell or lease lands after removal of bodies.

7. The said trustees shall not exercise the power to lease or sell granted to them by the last preceding section, until after they have obtained the consent or authority of the annual conference of the Methodist Church of Canada, within the bounds  
 35 of which the said lands are situate.

Consent of annual conference to be obtained by trustees before selling or leasing.

8. Should the said trustees sell the said lands, or any parts thereof, and grant time for the payment of the purchase money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment there-  
 40 of, mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants and powers of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.

Trustees authorized to take mortgages for purchase money.

9. Every such lease or sale so made, shall be freed and dis-  
 45 charged from all trusts of every kind, and the lessee or purchaser shall hold the same lands so demised or sold to him and his heirs or interest therein, freed and discharged from all said trusts.

Lessees or purchasers to hold lands free from trusts.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting the old Cemetery and the Methodist Cemetery in the town of Sarnia.

First Reading,	1890.
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(Private Bill.)

MR. MACKENZIE.

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TORONTO :

PRINTED BY WAEWICK & SONS, 68 AND 70 FRONT ST. W.



An Act respecting the old Cemetery and the Methodist Cemetery in the Town of Sarnia.

**W**HEREAS the corporation of the town of Sarnia have by their petition represented that the lands in the town of Sarnia known as the old cemetery, described as follows, Preamble that is to say:—Firstly, a block of land bounded on the north by Maxwell street, on the east by Durham street, on the south by lot “A” on the north side of Elgin street and on the west by lot “B” on the south side of Maxwell street; secondly, lot “A” on the north side of Elgin street, and thirdly lot “B” on the south side of Maxwell street, have for many years past been used for the purpose of a public burying ground; that the firstly above described block of land was conveyed by George Durand now deceased to Malcolm Cameron, Archibald Young, Jr., Richard Emeric Vidal and Robert Skilbeck all deceased, for the purpose of a public burying ground for the inhabitants of Port Sarnia (now town of Sarnia); and whereas the said lots “A” and “B” were purchased by the corporation of the town of Sarnia as an addition to the old cemetery and form a part thereof but no part of the said lands have for years been used for such purpose and the lands surrounding the same have been built upon, and are occupied, and the same are now partially unfenced and lying in common; and whereas the trustees of the Sarnia congregation of the Methodist Church have by the said petition represented that the following lots in the town of Sarnia that is to say, lot two in Block “F” Maxwell estate, Sarnia, as shown in the map of the said town of Sarnia was purchased for the purpose of a burial ground for the said congregation; and whereas all the lands hereinbefore described have, pursuant to a by-law of the town of Sarnia, ceased for several years to be used for burial purposes; and whereas arrangements have been made with the Lake View Cemetery Company for burial plots in the cemetery established in the township of Sarnia by the said company which was incorporated under the laws of this Province; and whereas it is desirable that all of the lands hereinbefore described should be closed as cemeteries and that the bodies of the dead should be removed therefrom and that the said parcels of land known as the old cemetery should be vested in the corporation of the town of Sarnia for public purposes and that the said trustees of the Sarnia congregation of the Methodist Church should be authorised to sell the said lot two in block “F” so used as a cemetery for the said congregation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Old cemetery to be held by town for public purposes after removal of bodies.

1. It shall be lawful for the corporation of the town of Sarnia, after the removal as by this Act provided, of the bodies interred in those parcels of land known as the old cemetery, aforesaid, to have and to hold the said parcels of land, and after the passing of this Act the said parcels shall become and be, and the same are hereby vested in the said corporation, and the same shall be held and used for any public purpose as the council of said corporation may by any by-law or by-laws to be passed from time to time determine, and the said corporation is hereby authorised to sell or convey in fee simple, the whole or any part of the said lands, upon such terms and conditions and for such prices as may be deemed best, free and discharged of, and from all claims and demands of any person or persons who may have purchased.

Removal of remains of the dead from old cemetery.

2. The said corporation is hereby authorized forthwith after giving notice as hereinafter mentioned, and at its own expense, to remove from the said old cemetery, the remains of the dead therein interred, to the Lake View Cemetery, at the sole cost of such corporation, and to re-inter such remains decently and in order, and to re-erect any monument or headstone erected in said old cemetery at the time of such removal, and so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment.

Notice to relatives of deceased.


3. The said corporation shall, before removing the remains as aforesaid, give written notice to the relatives of the dead when known, and during the period of one month, publish a notice once in each week in two newspapers published in the said town and in the *Ontario Gazette*, stating their intention to remove the said remains upon and after a day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice, and the said corporation shall be required to pay all reasonable expenses incurred or sustained by the relatives in any removal of remains, which shall take place after and in pursuance of such notice, and no further or other notice to the friends or relatives of the deceased shall be necessary.



Notice to relatives of deceased.

4. The said trustees of the said Methodist Church shall before removing the remains as aforesaid, give written notice to the relatives of the dead when known, and during the period of one month publish a notice once in each week in two newspapers published in the said town and in the *Ontario Gazette*, stating their intention to remove the said remains upon and after a day to be named in said notice, which day shall not be less than six months after the publication of the said notice.

Removal of remains of the dead from Methodist burying ground.

5. After the giving of the notice above mentioned, the said trustees of the Methodist Church may at any time thereafter of their own accord and without any further or other notice, cause the remains in the said burial ground of said congregation to be removed from time to time to said Lake View Cemetery and to be there reinterred in such suitable part thereof as the said trustees shall provide for that purpose, and the said trustees shall be required to pay all reasonable expenses

ncurred or sustained by relatives in any removal of remains which shall take place after and in pursuance of such notice and no further or other notice to the friends or relatives of the deceased shall be necessary. 

6.  The monument or other insignia now erected or placed at any burial plot in said last mentioned burial ground, shall also be removed along with the remains in such plot, and shall be erected or properly set up in that part of Lake View Cemetery in which said remains shall be reinterred. 

Monuments to be moved.

7. So soon as all the bodies which are now interred in the said burying ground above mentioned, are removed as provided for above, the said trustees and their successors shall be, and they are hereby authorized to lease for any term of years or to sell and convey in fee simple, or for any lesser estate, the whole of the lands and premises so granted to the said trustees as aforesaid, either together or in parcels, in such manner, for such prices and upon such terms and conditions as may be deemed best by the said trustees, and they are authorized to so lease or sell and convey as aforesaid, the said lands, freed and discharged of and from all right, title, interest, claim and demand of any person or persons who may have purchased lots for burial purposes in said parcel of land, or of their representatives, in the said Lake View Cemetery, shall be accepted by the said persons in lieu of the lots purchased by them in the said burying ground first above mentioned, and in lieu of all right, title, interest, claim or demand they may have in respect thereof.

Trustees authorized to sell or lease lands after removal of bodies.

8. The said trustees shall not exercise the power to lease or sell granted to them by the last preceding section, until after they have obtained the consent or authority of the annual conference of the Methodist Church, within the bounds of which the said lands are situate.


Consent of annual conference to be obtained by trustees before selling or leasing.

9. Should the said trustees sell the said lands, or any parts thereof, and grant time for the payment of the purchase money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof, mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants and powers of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.


Trustees authorized to take mortgages for purchase money.

10. Every such lease or sale so made, shall be freed and discharged from all trusts of every kind, and the lessee or purchaser shall hold the same lands so demised or sold to him and his heirs or interest therein, freed and discharged from all said trusts.

Lessees or purchasers to hold lands free from trusts.

11.  It shall be the duty of the said corporation and the said trustees respectively to use due care and diligence that all the remains of the dead have been removed from the said lands before they lease, mortgage, or sell, as aforesaid, but the title of any lessee, mortgagee, or purchaser, shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to the County Judge of the County of Lambton for the time being, and if he shall so

Care to be taken that all remains are removed before sale of land.

certify under his hand that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold ; and such certificate shall be registered in the registry office for the said county on the production thereof to the registrar and the payment to him of one dollar as a fee for such registration. 





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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting the old Cemetery and the Methodist Cemetery in the town of Sarnia.

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First Reading, 18th February, 1890.

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*(Reprinted as amended by Private Bills Committee.)*

(Private Bill.)

MR. MACKENZIE.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to amend an Act to incorporate the Toronto Dairy Company.

WHEREAS the Toronto Dairy Company by their petition Preamble.  
have represented that it has become advisable in order  
to carry on their business advantageously to reduce the issued  
stock by one-half, so that the par value of each share shall be  
5 twenty-five dollars instead of fifty dollars; and whereas it is  
expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

- 15    1. That the value of the shares in the said company now Reduction of  
issued and held by shareholders in the books of the said com- value of shares  
pany is hereby reduced one-half, and hereafter the shares  
held by the said shareholders of the said company shall be of  
the value of twenty-five dollars instead of fifty dollars and  
20 shall be so entered on the books of the said company, and  
certificates issued therefor in lieu of the certificates already  
issued and which are hereby cancelled.

2. Section 3 of the Act passed in the 35th year of Her 35 V., c 85, s. 3  
Majesty's reign, and chaptered 85, is amended by striking out amended.  
25 the word "two" in the second line thereof and by inserting  
in lieu thereof the word "four," and by striking out the word  
"fifty" in the said second line and by inserting in lieu thereof  
the words "twenty-five."

3. Nothing in this Act shall be construed to lessen or vary Liability of  
30 any liability of the shareholders of the said company to the shareholders  
present creditors thereof. not affected.

No. 36.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend an Act to incorporate the  
Toronto Dairy Company.

First Reading,

1890.

(Private Bill.)

Mr. DAVIS.

TORONTO:

PRINTED BY WATKINS & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the Town of West Toronto  
Junction.

**W**HEREAS the corporation of the town of West Toronto Junction has by its petition represented that by-law number 110 of the said town was duly passed on the twenty-third day of December, 1889, after having first received the assent of more than two-fifths of all the ratepayers entitled to vote thereon, being also a majority of those who voted, that such by-law provides for the issue of debentures of the said town to the amount of \$150,000, payable in twenty annual instalments, and bearing interest at four per cent. per annum, for the purpose of constructing subways under the Canadian Pacific Railway in the said town, and doing other works in connection therewith; that the said corporation have entered into an agreement with the Canadian Pacific Railway Company in reference to the construction of such subways or of overhead bridges in lieu thereof and of other works, and that such by-law as voted on and passed provides for application being made to the Legislative Assembly of the Province of Ontario for an Act authorizing the issue of debentures to such amount, payable in forty (instead of twenty) annual instalments, and sanctioning and confirming the action of the municipal corporation in and about the construction of the said subways, and the acquisition and disposal of lands and the doing of other works in connection therewith, and said corporation have prayed that an Act may be passed for these purposes and granting the said corporation certain special powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 110 of the corporation of the town of West Toronto Junction, which is printed as schedule "A" hereto, is hereby amended and varied by striking out the fifth enacting clause thereof, and by substituting the word "forty" for "twenty" and the figures \$7,578.53 for \$11,037.26 wherever the same respectively occur in the said by-law, and such by-law as so amended and varied and the debentures to be issued in accordance therewith are hereby declared to be legal, valid and binding on the said corporation, and the clerk of the said corporation is required to register such by-law as so amended and varied in the proper registry office within four weeks after the passing of this Act, but the omission to register the same shall not affect the validity of the said by-law or of the debentures issued or to be issued thereunder.

By-law  
No. 110 of  
West Toronto  
Junction  
amended.

Agreement  
with Canadian  
Pacific Rail-  
way Company  
confirmed.

2. The agreement between the said corporation and the Canadian Pacific Railway Company bearing date the 18th day of November 1889, which is printed as schedule "B" hereto, is hereby ratified and confirmed, and the said corporation and the said railway company are declared to have and to have had power to enter into the said agreement, and the corporation may expend a portion of the money raised by the said debentures in the construction of an overhead bridge or bridges instead of either or both of the subways mentioned in the said by-law. 5 10

Agreements  
with certain  
firms and  
individuals  
confirmed.

3. The three several agreements entered into by the said corporation with William Hamilton Merritt, R. K. Sproule and William Mulock and others, respectively, for the purchase of certain lands required for the said works, mentioned in the agreement schedule "B," or which might be injuriously affected by such works as well as the several agreements entered into by the said corporation with Heintzman & Co., Wagner Zeidler & Co., the Canada Wire Mattress Co. and others, respectively, as to settlement of claims for damages by reason of the lands of said parties being injuriously affected by such works, are all hereby confirmed and the said corporation is declared to have and to have had the power to enter into the same. 15 20

Municipality  
may construct  
subways or  
overhead  
bridges and  
acquire lands  
therefor.

4. It shall and may be lawful for the said corporation to make, construct, erect and build the two subways mentioned in schedule "B" and in accordance with the descriptions thereof contained therein, or in lieu of said subways or of either of them to build overhead bridges or an overhead bridge as mentioned in schedule "B," with all suitable approaches to and other works connected therewith of such materials, and according to such plan or plans as the said corporation may have adopted or may hereafter adopt regarding the same not inconsistent with the agreement schedule "B;" and for all and every of the purposes aforesaid, and for the purposes of carrying out the said works or any of them to completion, and thereafter maintaining the same, it shall and may be lawful for the said corporation and their servants, workmen and agents, or contractor, or contractors to enter upon, take possession of, cut, dig up and use all such portions of the lands adjoining the said streets or any of them as their engineers or engineer may certify to be necessary, and the said corporation may define by by-law, and to close, break up, divert, alter, improve, and change the said streets or any of them, to such extent, and in such manner as the said engineer or engineers may think fit and necessary for the purposes of the said works or any of them. 25 30 35 40 45

Power to  
acquire and  
sell whole  
lots.

5. Where a portion only of a lot or parcel of land as designated on any registered plan, is required for the said works, or is injuriously affected thereby, the corporation may by by-law enact and declare that it is advisable or necessary to purchase or acquire the whole of any such lot or parcel, and may thereupon purchase or acquire the whole thereof, and may hold, use and enjoy the same, and may sell and convey the same or part thereof from time to time as they may deem expedient. 50 55



6. The provisions of sections 483, 484, 485, 486 and 488 of *The Municipal Act*, shall apply to the works mentioned in schedule "B" and the lands required or injuriously affected thereby, and the provisions of section 487 of said Act as amended by sections 21 and 22 of *The Municipal Amendment Act 1889*, shall also apply as if said town was a city having a population of 100,000 or over.

Provisions of municipal laws as to compensation to apply.

7. Upon payment or legal tender of the compensation which may have been agreed upon or awarded to the party entitled to receive the same, or upon the amount of such compensation being paid into the High Court of Justice, the award or agreement shall vest in the corporation the power forthwith to take possession of the lands or to exercise the right or to do the thing for which such compensation has been awarded or agreed upon, and if any resistance or forcible opposition is made to their so doing, the judge or junior judge of the county court of the county of York may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the county of York or to a bailiff as he may deem most suitable, to put the corporation in possession, and to put down such resistance or opposition, which the sheriff or bailiff taking with him sufficient assistance shall accordingly do.

Right to possession to vest in municipality upon payment of compensation.

Warrant of county judge may issue to put municipality in possession.

8. The warrant may also be granted by such judge without an award or agreement on affidavit to his satisfaction, that the immediate possession of the lands is necessary to carry out some part of the said works with which the corporation are ready forthwith to proceed, and upon the corporation paying such amount as he may direct into the High Court of Justice or upon their giving security to his satisfaction, to pay or deposit the compensation to be awarded within one month after the making of the award with interest from the time at which possession is given, and with such costs as may be lawfully payable by the corporation.

When warrant for possession may issue before award made.

9. The said corporation may pass one or more by-laws authorizing the issue of debentures for the sum of not more than \$200,000 in the whole for the construction of a system of sewerage payable at such time or times as the corporation may think proper, not exceeding forty years from the date of the respective by-laws, subject however to the provisions of *The Municipal Act* in reference to the submission of the said by-laws for the approval of the ratepayers.

Issue of debentures for sewers authorized.

Rev. Stat. c. 184.

10. No irregularity in the form either of the said debentures by the next preceding section authorized to be issued or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Irregularities of form not to invalidate debentures.

11. The said Corporation may issue all debentures except such as may be issued for local improvements so as to make the same payable at any time or times not exceeding forty years from the date thereof, but subject in other respects to the provisions of *The Municipal Act*.

Term of debentures.

Rev. Stat. c. 184.

## SCHEDULE A.

*(Section 1.)*

## BY-LAW, No 110.

A by-law to provide for the construction of subways and carrying on of other works in accordance with an agreement made between the corporation of the town of West Toronto Junction and the Canadian Pacific Railway Company, and for borrowing upon the credit of the municipality the sum of \$150,000.

Whereas by agreement made between the corporation of the town of West Toronto Junction and the Canadian Pacific Railway Company, it is provided that the corporation shall construct two subways under the company's tracks, one on Keele street and one on the Weston road, and do other works and things in connection therewith. And whereas in order to enable the corporation to carry out its agreement for the construction of the Weston road subway, it will be necessary to purchase that portion of the Weston road within the limits of the town, and it will be necessary in carrying out the several works to acquire lands and to pay therefor and compensate owners of land for damages. And whereas it is for the interest of the town that the said subways should be constructed and said agreements carried out, and that a debt of \$150,000 be created by the issue of debentures to that amount to pay for all such works, and the expenditure connected therewith. And whereas it is desirable that the principal of said debt should be repayable by annual instalments for a term of years with interest thereon annually at the rate of four per centum per annum, such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the term. And whereas the total amount required to be raised annually by special rate sufficient therefor on all the ratable property of the municipality for paying the said debt and interest will be the sum of \$11,037.26 each year for twenty years. And whereas the amount of the whole ratable property of the municipality, according to the last revised assessment roll, being for the year 1889, is the sum of \$2,708,704. And whereas the whole debenture debt of the municipality amounts to \$169,121.20, on which no principal or interest is in arrear.

Be it therefore enacted by the municipal council of the corporation of the town of West Toronto Junction as follows:

1. That the agreement made by the corporation with the Canadian Pacific Railway Company is hereby approved and ratified, and that the same be carried out, and the moneys necessary for that purpose and for the other works connected therewith or arising thereout be provided by the issue of debentures as hereinafter mentioned.

2. That the mayor is hereby authorized and required to issue debentures of the said corporation to the amount of \$150,000, which shall be marked and known as "Subway Debentures," and shall be in sums of not less than \$100 each, and shall be sealed with the corporate seal of the said corporation, and signed by the mayor and treasurer thereof, and shall

be payable within twenty years from the date hereinafter mentioned for this by-law to take effect, at the Molson's Bank, West Toronto Junction, with interest at the rate of four per centum per annum as follows, that is to say, the said principal sum in twenty annual instalments, and the interest at the rate aforesaid annually during said term, the aggregate amount of such annual instalments of principal and annual payments of interest shall be the sum of \$11,037.26 in each year.

3. For the purpose of paying the said sum of \$150,000 and to cover interest on the said amount as aforesaid, the sum of \$11,037.26 shall be levied by a special rate over and above all other rates (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the town in each year for the period of twenty years from the date hereinafter mentioned for this by-law to take effect, during which the said debentures have to run.

4. This by-law shall take effect on the twenty-third day of December, A.D. 1889, if previously assented to by the electors.

5. And whereas *The Municipal Act* provides that in the case of a by-law for contracting debts by borrowing money, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect, and it is desirable that the payment of the debt intended to be contracted by this by-law should be in forty annual instalments of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period; be it therefore enacted that application be made to the Legislative Assembly of the Province of Ontario, at the next session thereof to pass an Act authorizing the issue of such debentures to the said amount of \$150,000, bearing interest at the rate of four per cent. per annum, payable in forty annual instalments from the date of this by-law taking effect, instead of in twenty annual instalments as above provided, and in such case authorizing the levy of the sum of \$7,578.53 in each year for forty years by a special rate sufficient therefor on all the ratable property in the said municipality, and sanctioning and confirming the action of the municipal corporation in and about the construction of the said intended subways and the acquisition and disposal of lands and the doing of other works in connection therewith.

6. This by-law shall be submitted for the assent of the electors of the said town under the provisions of *The Municipal Act*, and on Tuesday the 17th day of December, A.D. 1889, at the hour of nine o'clock in the forenoon the poll will be opened to take the votes of the qualified electors of the said municipality on said by-law, and the poll will close at five o'clock in the afternoon on said day.

7. The places for taking the votes and the deputy returning officers of the several wards of said town respectively shall be as follows—For ward number one, John Barnes, deputy returning officer, Barnes' store; for ward number two, A. J. Heydon, deputy returning officer, J. A. Bull's shop; for ward number three, L. J. Law, deputy returning officer, Christie Lime Company's office; for ward number four, A. H. Clemmer, deputy returning officer, council chamber; for ward number five, W. A. Thring, deputy returning officer, Davy's store.



8. That on Friday the 13th day of December, A.D. 1889, at the hour of ten o'clock in the forenoon, at the clerk's office, in the said town, the mayor shall appoint in writing the persons to attend at the polling places, and at the final summing up of the votes on behalf of the persons interested in, and promoting or opposing respectively the passage of this by-law.

9. That the clerk of the said municipality shall attend at the council chamber, corner of Dundas street and Pacific avenue in the said town at 6.30 o'clock in the afternoon, on the 17th day of December, A.D. 1889, to sum up the number of votes given for and against this by-law.

Council Chamber, November 18th, 1889.

First published in the *York Tribune* newspaper, on the 19th day of November, A.D. 1889.

Passed December 23rd, 1889.

## SCHEDULE B.

### (Section 2.)

Agreement made in duplicate this eighteenth day of November, A.D. eighteen hundred and eighty-nine, between the municipal corporation of the town of West Toronto Junction, hereinafter called the corporation of the first part; and the Canadian Pacific Railway Company, hereinafter called the company of the second part.

Whereas negotiations have been in progress for some time past between the corporation and the company as to the location of the company's principal repair shops for the Ontario division of said railway at the said town, and the company has agreed to so locate and maintain said shops subject to the mutual terms, covenants and agreements, hereinafter set forth;

Now therefore this agreement witnesseth that the said company for itself its successors and assigns, covenants and agrees with said corporation, its successors and assigns as follows:—

That the company will before the end of the year eighteen hundred and ninety remove to West Toronto Junction the whole of the company's shops for the repairs of locomotives and cars now at Parkdale, except the running sheds, and will establish before the end of the said year, and maintain for all time at West Toronto Junction the principal shops for the repairs of locomotives and cars for the Ontario division of the company's lines. To this end the company will erect and provide as speedily as possible and before the end of the year eighteen hundred and ninety (1890), suitable buildings, machinery, and other usual appliances having a capacity equal at least to those now at the company's Parkdale shops.

2. That the company will open up Edmund street across its lands forthwith, and will widen Cooper avenue across its lands to the full width of said avenue (66 feet), providing at such crossings the usual cattle guards and fences.

3. That the company will remove their tracks at present south of the passenger station at West Toronto Junction to the north of said station and will afford free access for passengers and vehicles to the south side of the said station from the Weston road, from Union street and from the public square adjoining Union street.

4. That the company will allow the corporation at any time to erect an elevated foot-way across their lands about half way between Keele and Elizabeth streets, said footway to be at least twenty-one feet six inches (21ft. 6in.) clear in height above the tops of the said company's rails, and to be built at such point and in such manner as shall be satisfactory to the company.

5. That the company will put in sidings for the Hess and Heintzman factories on the company's usual terms and conditions for the construction of such sidings, which are : that the party for whom the siding is put in, provides the right of way and pays for the structures, grading, ties, track laying, ballasting and any labor involved in the construction of the siding, and six per cent (6%) per annum on the cost of the balance of the material used in the construction of the siding, and executes an agreement with the company as per attached form.

6. That the company upon being required by the corporation will put in a siding to the Canada Wire Mattress Company on its right-of-way north of its present main track crossing the proposed subway at the Weston road on a girder bridge as hereinafter provided, and extending as far east as the westerly limit of the Grand Trunk Railway Company's property and parallel with the factory building of the said wire mattress company. The corporation to pay for all the material and labor necessary in the construction and maintenance of said siding and twenty dollars per annum from the date of the completion of the siding until its removal, as rental for the land occupied by it. The material used in the construction of said siding and the girder of the proposed subway at the Weston road, hereinafter referred to, to be and remain the absolute property of the corporation who shall have the right to remove the same, at their expense, at any time upon one month's notice to the company in writing. The company agree to allow the said siding to remain on its property as above provided, and to place cars thereon for the wire mattress company, their successors, administrators and assigns to load and unload for the term of twenty-one years from the date of its completion. Should the company so desire at the end of the said period of twenty-one years the corporation shall remove the said siding and every part of it from the company's property at its own expense. Said siding to be completed one month after the completion of the subway and bridges in connection therewith, hereinafter provided for at the Weston road. The company will allow the corporation to build and maintain a retaining wall along the south side of the subway at the Canada Wire Mattress Company's factory on the northernmost three feet of its property, between the Weston road and the westerly boundary of the Grand Trunk railway's property, the corporation agree to properly and thoroughly maintain the same for a period of twenty-one (21) years from the date of the completion of the siding above referred to.



7. That the company will not at any time discriminate against the town of West Toronto Junction in rates.

In consideration of the above the said corporation for itself its successors and assigns, covenants and agrees with the said company, its successors and assigns, as follows:—

1. That the property of the said company held for railway purposes within the said town, shall be exempt from general municipal taxation for the term of ten (10) years, from the date hereof.

2. That the said corporation will supply the said company all the water required for railway purposes from the water works of the town free of cost, for the term of ten years from the date hereof, provided that the water so supplied shall not be taken directly from hydrants except for fire protection, and that the said corporation shall not be held liable by the said company for failure to supply water as above owing to unavoidable accident to their water works system.

3. The exemption from taxation and free supply of water provided for above, shall not extend to dwellings erected on its lands by the company, and rented to tenants or occupied by employees of the said company.

4. That the said corporation will construct a subway on Keele street in said town under the company's railway tracks with retaining walls on each side of said subway along the company's property and thereupon close up Keele street as a highway, and so as to prevent all traffic on the level along said street across the company's right-of-way a distance of ninety-nine feet. Said subway shall be excavated to such depth across the company's right-of-way at Keele street a distance of ninety-nine feet, as to permit of the bridges for the company's tracks hereinafter provided for being erected and maintained on any portion of the retaining walls of said subway across the whole of said distance. Said retaining walls to be of such design and strength across the whole of the said distance of ninety-nine feet as to permit of the bridges or girders above referred to being erected on them readily and with safety. And that the said corporation will provide and erect at their entire expense on said retaining walls iron or steel "deck" girders with floor systems complete for five tracks, or at the company's option, an iron or steel Webb bridge with floor systems complete, sufficiently wide to accommodate five tracks the usual distance apart. The girders of said bridge to be what is known as "deck" girders. The location of said girders or bridges to be within the limit of the company's right-of-way a distance of ninety-nine (99) feet and as decided on by the company's engineer.

5. That the said corporation will construct a subway on the Weston road, in said town, under the company's railway tracks, with retaining walls on each side, along the company's property and thereupon close up the Weston road as a highway and so as to prevent all traffic on the level along said Weston road, between lines drawn parallel with the company's present track crossing the Weston road thirty-three feet north and forty-seven feet south measured at right angles from the centre of said main track. Said subway shall be excavated to such depth on the Weston road between lines drawn parallel with the com-

pany's present main track, crossing the Weston road thirty-three feet north and forty-seven feet south, measured at right angles from the centre of said main track, as to permit of the bridges for the company's tracks, hereinafter provided for being erected and maintained on any portion of the retaining walls of said subway across the whole of said distance. Said retaining walls to be of such design and strength across the whole of the said distance as to permit of the bridges or girders above referred to being erected on them readily and with safety. And that the said corporation will provide and erect, at their entire expense, on said retaining walls, iron or steel "deck" girders with floor system complete, for the siding to the factory of the Canada Wire Mattress Company, hereinbefore provided for, if the corporation require said siding to be constructed, also iron or steel "deck" girders with floor systems complete for three tracks, or at the company's option an iron or steel Webb bridge with floor systems complete, sufficiently wide to accommodate three tracks the usual distance apart. The girders of said bridge to be what is known as "deck" girders. The location of said girders or bridge to be within lines drawn parallel with the company's present main track crossing the Weston road thirty-three feet north and forty-seven feet south, measured at right angles from the centre of said main track and as decided on by the company's engineer.

6. That should the corporation so elect they shall have the right instead of constructing the subways and bridges at either the Weston road or Keele street or both of them as herein provided to erect iron or steel bridges above the company's tracks on the lines of the said highways, provided that the corporation shall thereupon respectively close up the Weston road or Keele street or both of them as highways, as agreed upon in clauses four and five providing for the construction of subways at Keele street and the Weston road. The bridge at Keele street to be not less than twenty-one feet six inches clear in height above the tops of the company's rails across the company's right-of-way at said street, a distance of ninety-nine feet as aforesaid, and the bridge at the Weston road to be not less than twenty-one feet six inches clear in height above the tops of the company's rails, between lines drawn parallel with the company's present main track crossing the Weston road thirty-three feet north and forty-seven feet south, measured at right angles from the centre of said main track. In the event of the corporation electing to build an overhead bridge at the Weston road in lieu of the subway referred to, nothing in this agreement shall be construed as binding the company in any way to put in a siding to the Canada Wire Mattress Company's factory upon the terms hereinbefore provided, but in that case the company will put in a siding to the Canada Wire Mattress Company's factory, if required to do so by the corporation upon the same terms as provided for the Hess and Heintzman factories in clause five of this agreement.

7. The company to allow the retaining walls of the two subways referred to to be built on their property, and to this extent only shall the company's lands be utilized for the said subways. In the event, however, of the corporation electing to build overhead bridges in lieu of one or both of the subways referred to, nothing in this agreement shall be construed

as giving the corporation the right to occupy any portion whatever of the company's land with such overhead bridges, or their supports or any portion of them whatsoever. The company not to make any claim against the corporation for damages by reason of the construction as herein provided, of the said subways or overhead bridges.

8. That the said corporation will maintain the retaining walls and bridge sub-structures both at Weston road and Keele street for all time. The company to maintain the bridges provided for the tracks at the two subways referred to, except the most northerly girders at the Weston road subway which may be provided for the siding to the Wire Mattress Company's factory. In the event of the corporation electing to construct overhead bridges at one or both of said highways, it is understood that the construction and maintenance for all time of the same, shall be at the entire expense of the corporation.

9. The bridges at the two subways referred to and their sub-structures, and the retaining walls along the company's property are to be built, subject in design, material, workmanship and construction, to the approval of the company's engineer and in accordance with the plans and specifications prepared in conformity with this agreement, and identified by the signatures of the parties hereto. The providing of temporary support for the company's track at the Weston road and at Keele street during the construction of said subways or the providing of such temporary support for the overhead bridges as may be required in their construction, to be done subject to the approval and inspection of the company's engineer and at the entire cost of the corporation. It is understood that such approval shall relieve the corporation of all responsibility for damages which may at any time occur to the company's property consequent upon any defect or insufficiency in the construction of such subways, sub-structures and bridges in connection therewith as well as in the providing of the temporary supports required in their erection or in the erection of the overhead bridges. And the company hereby undertake to save the said corporation harmless from any and all responsibility for damages for accident to freight, or to passengers or employees of the company, or other persons using said company's lines, consequent upon any such defect or insufficiency. It being understood that the corporation hereby agree to relieve the company from all responsibility for the safe use and proper maintenance for all time of the overhead bridges referred to. The safe and continuous operation of the company's railway is not to be in any way interfered with during, or by reason of the construction of the said subways and bridges in connection therewith, or by reason of the construction of the overhead bridges referred to.

10. The said corporation hereby undertake to save the said company harmless from any and all responsibility for the proper drainage of said subways or for any claims for damage of any kind whatsoever, which may be made in connection with the said subways or overhead bridges, or the construction, maintenance or use thereof, except such responsibility or claims for damages as the corporation is relieved from under clause nine of this agreement. The corporation also hereby agree to save the company harmless from any and all claims whatsoever consequent upon the closing up of the Weston road

or of Keele street or of both of them as highways across the company's property on the level, as provided in clauses four, five and six of this agreement.

11. The corporation to complete in accordance with this agreement, the subways and bridges in connection therewith or in lieu thereof the overhead bridges at the Weston road and at Keele street, and to close up the said streets for highway traffic as hereinbefore provided, before the end of the year eighteen hundred and ninety.

12. The company to transport on its railway the stone required and actually used in the construction of the two subways or overhead bridges referred to, and shipped from quarries on the company's lines at the rate of one cent per ton per mile.

13. The execution by the corporation is conditional upon the owners of property affected executing agreements as to damages and a private Act being obtained ratifying the subway by-law.

14. In case of disagreement between the company's engineer and the engineer of the corporation as to any matter to be done under this agreement, or as to any matter arising out of this agreement, such matter shall be referred to a consulting engineer to be agreed upon or in default of such agreement to be referred to an engineer to be appointed by a judge of the High Court of Justice.

In witness whereof the said corporation has hereto caused to be affixed its corporate seal and the hands of its mayor and clerk: and the said company has hereto caused to be affixed its corporate seal and the hands of its president and secretary.



No. 37.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Town of West Toronto  
Junction.

First Reading,	1890.
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(Private Bill.)

MR. GILMOUR.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act respecting the Town of West Toronto  
Junction.

**W**HEREAS the corporation of the town of West Toronto Junction has by its petition represented that by-law number 110 of the said town was duly passed on the twenty-third day of December, 1889, after having first received the assent of more than two-fifths of all the ratepayers entitled to vote thereon, being also a majority of those who voted; that such by-law provides for the issue of debentures of the said town to the amount of \$150,000, payable in twenty annual instalments, and bearing interest at four per cent. per annum, for the purpose of constructing subways under the Canadian Pacific Railway in the said town, and doing other works in connection therewith; that the said corporation have entered into an agreement with the Canadian Pacific Railway Company in reference to the construction of such subways or of overhead bridges in lieu thereof and of other works, and that such by-law as voted on and passed provides for application being made to the Legislative Assembly of the Province of Ontario for an Act authorizing the issue of debentures to such amount, payable in forty (instead of twenty) annual instalments, and sanctioning and confirming the action of the municipal corporation in and about the construction of the said subways, and the acquisition and disposal of lands and the doing of other works in connection therewith, and said corporation have prayed that an Act may be passed for these purposes and granting the said corporation certain special powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 110 of the corporation of the town of West Toronto Junction, which is printed as schedule "A" hereto, is hereby amended and varied by striking out the fifth enacting clause thereof, and by substituting the word "forty" for "twenty" and the figures \$7,578.53 for \$11,037.26 wherever the same respectively occur in the said by-law, and such by-law as so amended and varied and the debentures to be issued in accordance therewith are hereby declared to be legal, valid and binding on the said corporation, and the clerk of the said corporation is required to register such by-law as so amended and varied in the proper registry office within four weeks after the passing of this Act, but the omission to register the same shall not affect the validity of the said by-law or of the debentures issued or to be issued thereunder.

By-law  
No. 110 of  
West Toronto  
Junction  
amended.

Agreement  
with Canadian  
Pacific Rail-  
way Company  
confirmed.

2. The agreement between the said corporation and the Canadian Pacific Railway Company bearing date the 18th day of November 1889, which is printed as schedule "B" hereto, is hereby ratified and confirmed, and the said corporation and the said railway company are declared to have and to have had power to enter into the said agreement, and the corporation may expend a portion of the money raised by the said debentures in the construction of an overhead bridge instead of one of the subways mentioned in the said by-law.

Municipality  
may construct  
subways or  
overhead  
bridges and  
acquire lands  
therefor.

3. It shall and may be lawful for the said corporation to make, construct, erect and build the two subways mentioned in schedule "B" and in accordance with the descriptions thereof contained therein, or in lieu of one of said subways to build an overhead bridge as mentioned in schedule "B," with all suitable approaches to and other works connected therewith, of such materials, and according to such plan or plans as the said corporation may have adopted or may hereafter adopt regarding the same not inconsistent with the agreement schedule "B;" and for all and every of the purposes aforesaid, and for the purposes of carrying out the said works or any of them to completion, and thereafter maintaining the same, it shall and may be lawful for the said corporation and their servants, workmen and agents, or contractor, or contractors to enter upon, take possession of, cut, dig up and use all such portions of the lands adjoining the said streets or any of them as their engineers or engineer may certify to be necessary and the said corporation may define by by-law, and to close, break up, divert, alter, improve, and change the said streets or any of them, to such extent, and in such manner as the said engineer or engineers may think fit and necessary for the purposes of the said works or any of them.

Power to  
acquire and  
sell whole  
lots.

4. Where a portion only of a lot or parcel of land as designated on any registered plan, is required for the said works, or is injuriously affected thereby, the corporation may by by-law enact and declare that it is advisable or necessary to purchase or acquire the whole of any such lot or parcel, and may thereupon purchase or acquire the whole thereof, and may hold, use and enjoy the same, and may sell and convey the same or part thereof from time to time as they may deem expedient. Or instead of acquiring the whole of such lot or parcel of land may make such reasonable compensation to the owner or owners thereof as may be agreed upon.

Provisions of  
municipal  
laws as to  
compensation  
to apply.

5. The provisions of sections 483, 484, 485, 486 and 488 of *The Municipal Act*, shall apply to the works mentioned in schedule "B" and the lands required or injuriously affected thereby, and the provisions of section 487 of said Act as amended by sections 21 and 22 of *The Municipal Amendment Act 1889*, shall also apply as if said town was a city having a population of 100,000 or over.

Right to  
possession to  
vest in muni-  
cipality upon  
payment of  
compensation.

6. Upon payment or legal tender of the compensation which may have been agreed upon or awarded to the party entitled to receive the same, or upon the amount of such compensation being paid into the High Court of Justice, the award or agreement shall vest in the corporation the power forthwith to take possession of the lands or to exercise the

right or to do the thing for which such compensation has been awarded or agreed upon, and if any resistance or forcible opposition is made to their so doing, the judge or junior judge of the county court of the county of York may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the county of York or to a bailiff as he may deem most suitable, to put the corporation in possession, and to put down such resistance or opposition, which the sheriff or bailiff taking with him sufficient assistance shall accordingly do.

Warrant of county judge may issue to put municipality in possession.

7. The warrant may also be granted by such judge without an award or agreement on affidavit to his satisfaction, that the immediate possession of the lands is necessary to carry out some part of the said works with which the corporation are ready forthwith to proceed, and upon the corporation paying such amount as he may direct into the High Court of Justice or upon their giving security to his satisfaction, to pay or deposit the compensation to be awarded within one month after the making of the award with interest from the time at which possession is given, and with such costs as may be lawfully payable by the corporation.

When warrant for possession may issue before award made.

8. The said corporation may pass one or more by-laws authorizing the issue of debentures for the sum of not more than \$200,000 in the whole for the construction of a system of sewerage payable at such time or times as the corporation may think proper, not exceeding forty years from the date of the respective by-laws, subject however to the provisions of *The Municipal Act* in reference to the submission of the said by-laws for the approval of the ratepayers.

Issue of debentures for sewers authorized.

Rev. Stat. c. 184.

9. No irregularity in the form either of the said debentures by the next preceding section authorized to be issued or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Irregularities of form not to invalidate debentures.

10. Whereas the Grand Trunk Railway Company of Canada own property in the said municipality of West Toronto Junction, and whereas it was and is considered by the said railway company to be unfair to subject them to taxation for the works and improvements in this Act and the agreement and by-law set out in schedules to this Act, and therefore the said Grand Trunk Railway Company of Canada and the said corporation have agreed that for the period of ten years from the passing of this Act or the time it takes effect that the taxes of all kinds to be levied on the property of said railway company within the said municipality, excepting for public schools, shall be the fixed sum of one hundred and fifty dollars.

Therefore, it is hereby further enacted that for the period of ten years, computing from the day this Act comes in force, the taxes and assessments of all kinds and for all purposes, excepting for public schools, upon the property owned or leased by the said the Grand Trunk Railway Company of Canada for the purposes of the said company within said municipality to be levied and collected from said company by



said municipality shall be and the same is hereby fixed at the sum of one hundred and fifty dollars in each year for the full period of ten years, computed as aforesaid, and that for the purpose of fixing the amount of the said taxes for public school purposes the assessment upon said railway property shall be and the same is hereby fixed at the sum of ten thousand dollars in each year for the said ten years.

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## SCHEDULE A.

(Section 1.)

### BY-LAW, No 110.

A by-law to provide for the construction of subways and carrying on of other works in accordance with an agreement made between the corporation of the town of West Toronto Junction and the Canadian Pacific Railway Company, and for borrowing upon the credit of the municipality the sum of \$150,000.

Whereas by agreement made between the corporation of the town of West Toronto Junction and the Canadian Pacific Railway Company, it is provided that the corporation shall construct two subways under the company's tracks, one on Keele street and one on the Weston road, and do other works and things in connection therewith. And whereas in order to enable the corporation to carry out its agreement for the construction of the Weston road subway, it will be necessary to purchase that portion of the Weston road within the limits of the town, and it will be necessary in carrying out the several works to acquire lands and to pay therefor and compensate owners of land for damages. And whereas it is for the interest of the town that the said subways should be constructed and said agreements carried out, and that a debt of \$150,000 be created by the issue of debentures to that amount to pay for all such works, and the expenditure connected therewith. And whereas it is desirable that the principal of said debt should be repayable by annual instalments for a term of years with interest thereon annually at the rate of four per centum per annum, such instalments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the term. And whereas the total amount required to be raised annually by special rate sufficient therefor on all the ratable property of the municipality for paying the said debt and interest will be the sum of \$11,037.26 each year for twenty years. And whereas the amount of the whole ratable property of the municipality, according to the last revised assessment roll, being for the year 1889, is the sum of \$2,708,704. And whereas the whole debenture debt of the municipality amounts to \$169,121.20, on which no principal or interest is in arrear.

Be it therefore enacted by the municipal council of the corporation of the town of West Toronto Junction as follows:

1. That the agreement made by the corporation with the Canadian Pacific Railway Company is hereby approved and ratified, and that the same be carried out, and the moneys

necessary for that purpose and for the other works connected therewith or arising thereout, be provided by the issue of debentures as hereinafter mentioned.

2. That the mayor is hereby authorized and required to issue debentures of the said corporation to the amount of \$150,000, which shall be marked and known as "Subway Debentures," and shall be in sums of not less than \$100 each, and shall be sealed with the corporate seal of the said corporation and signed by the mayor and treasurer thereof, and shall be payable within twenty years from the date hereinafter mentioned for this by-law to take effect, at the Molson's Bank, West Toronto Junction, with interest at the rate of four per centum per annum as follows, that is to say, the said principal sum in twenty annual instalments, and the interest at the rate aforesaid annually during said term, the aggregate amount of such annual instalments of principal and annual payments of interest shall be the sum of \$11,037.26 in each year.

3. For the purpose of paying the said sum of \$150,000 and to cover interest on the said amount as aforesaid, the sum of \$11,037.26 shall be levied by a special rate over and above all other rates (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the town in each year for the period of twenty years from the date hereinafter mentioned for this by-law to take effect, during which the said debentures have to run.

4. This by-law shall take effect on the twenty-third day of December, A.D. 1889, if previously assented to by the electors.

5. And whereas *The Municipal Act* provides that in the case of a by-law for contracting debts by borrowing money, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect, and it is desirable that the payment of the debt intended to be contracted by this by-law should be in forty annual instalments of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period; be it therefore enacted that application be made to the Legislative Assembly of the Province of Ontario, at the next session thereof to pass an Act authorizing the issue of such debentures to the said amount of \$150,000, bearing interest at the rate of four per cent. per annum, payable in forty annual instalments from the date of this by-law taking effect, instead of in twenty annual instalments as above provided, and in such case authorizing the levy of the sum of \$7,578.53 in each year for forty years by a special rate sufficient therefor on all the ratable property in the said municipality, and sanctioning and confirming the action of the municipal corporation in and about the construction of the said intended subways and the acquisition and disposal of lands and the doing of other works in connection therewith.

6. This by-law shall be submitted for the assent of the electors of the said town under the provisions of *The Municipal Act*, and on Tuesday the 17th day of December, A.D. 1889, at the hour of nine o'clock in the forenoon the poll will be opened to take the votes of the qualified electors of the said municipality on said by-law, and the poll will close at five o'clock in the afternoon on said day.



7. The places for taking the votes and the deputy returning officers of the several wards of said town respectively shall be as follows—For ward number one, John Barnes, deputy returning officer, Barnes' store; for ward number two, A. J. Heydon, deputy returning officer, J. A. Bull's shop; for ward number three, L. J. Law, deputy returning officer, Christie Lime Company's office; for ward number four, A. H. Clemmer, deputy returning officer, council chamber; for ward number five, W. A. Thring, deputy returning officer, Davy's store.

8. That on Friday the 13th day of December, A.D. 1889, at the hour of ten o'clock in the forenoon, at the clerk's office, in the said town, the mayor shall appoint in writing the persons to attend at the polling places, and at the final summing up of the votes on behalf of the persons interested in, and promoting or opposing respectively the passage of this by-law.

9. That the clerk of the said municipality shall attend at the council chamber, corner of Dundas street and Pacific avenue in the said town at 6.30 o'clock in the afternoon, on the 17th day of December, A.D. 1889, to sum up the number of votes given for and against this by-law.

Council Chamber, November 18th, 1889.

First published in the *York Tribune* newspaper, on the 19th day of November, A.D. 1889.

Passed December 23rd, 1889.

## SCHEDULE B.

(Section 2.)

Agreement made in duplicate this eighteenth day of November, A.D. eighteen hundred and eighty nine. Between the Municipal Corporation of the Town of West Toronto Junction, hereinafter called the Corporation of the first part, and the Canadian Pacific Railway Company, hereinafter called the Company of the second part.

Whereas negotiations have been in progress for some time past between the Corporation and the Company as to the location of the Company's principal repair shops for the Ontario Division of said railway at said town, and the Company has agreed to so locate and maintain said shops subject to the terms, conditions, and mutual covenants and agreements hereinafter set forth.

Now, therefore, this agreement witnesseth that each of the parties hereto for itself, its successors, and assigns covenants and agrees with the other party, its successors, and assigns as follows, that is to say :—

1. The corporation having fulfilled its covenants hereinafter contained, so far as they are to be fulfilled before the end of the year eighteen hundred and ninety-one (1891) the company will before that time remove to West Toronto Junction the whole of the company's shops for the repairs of locomotives and cars now at Parkdale, except the running sheds and shops for such minor repairs as cannot so conveniently be made elsewhere, and also will before that time establish and will after-

wards maintain for all time at West Toronto Junction the principal shops for the repairs of locomotives and cars for the Ontario Division of the company's lines, and to this end the company will erect and provide as speedily as possible, and before the end of the year eighteen hundred and ninety-one (1891) suitable buildings, machinery, and the other usual and necessary appliances, having a capacity equal at least to those now at the company's Parkdale shops ;

2. The company will allow Edmund Street to be opened up across its lands forthwith, and will allow Cooper Avenue to be widened across its lands to the full width of said avenue outside its lands, namely, 66 feet, and will provide the usual cattle guards and fences for this street and avenue, where they cross the tracks of the Company ;

3. The company will remove their tracks, which are at present south of the passenger station at West Toronto Junction to the north of said station, so as to afford free access for passengers and vehicles to the south side of the said station from Union Street and from the public square adjoining Union Street, and from that portion of the Weston Road which is south of the subway hereinafter provided for ;

4. The company will allow the corporation at any time to erect an elevated foot-way across their lands about half way between Keele and Elizabeth Streets ; said footway to be at least twenty-one feet six inches (21' 6") clear in height above the tops of the said company's rails, and to be built at such place and in such manner as shall be satisfactory to the company. The corporation hereby undertaking to indemnify the company against all claims by other parties which may arise in consequence of the construction or maintenance of the said foot-way or the insufficiency thereof ;

5. The company, upon being required by the corporation, will put in sidings for the Hess and Heintzman factories on the company's usual terms and conditions for the construction of such sidings, which are : That the party for whom the siding is put in provides the right-of-way and pays for the structures, grading, ties, track-laying, ballasting, and any labour involved in the construction of siding, and 6 % (per cent.) per annum on the cost of the remainder of the material used in the construction of the siding, and executes an agreement with the company as per attached form ;

6. That the company, upon being required by the corporation so to do, will put in a siding to the Canada Wire Mattress Company's premises on its right-of-way north of its present main-track, crossing the proposed sub-way at the Weston Road on a girder bridge to be supplied by the corporation as hereinafter provided, and extending as far east as the westerly limit of the Grand Trunk Railway Company's property, and as nearly parallel with the factory building of the said Wire Mattress Company as is convenient. The corporation hereby agreeing to pay for all the material and labour necessary in the construction and maintenance of said siding and twenty dollars per annum from the date of the completion of the siding until its removal as rental for the lands occupied by it. The material used in the construction of said siding and the girder at the proposed subway at the Weston road, hereinafter referred to, shall be and remain the absolute property of the corporation, who shall have the right to remove the same at their expense

at any time upon one month's notice to the company in writing. The company agrees to allow the said siding to remain on its property as above provided, for the term of twenty-one years from its completion, and during that period from time to time, to place cars thereon for the Wire Mattress Company, their successors administrators and assigns, and by them to be loaded and unloaded as may be required for their business. Should the company so desire at the end of said period of twenty-one years, the corporation undertakes to remove the said siding, and every part of it from the company's property at its own expense, said siding to be completed one month after the completion of the subway and bridges in connection therewith, hereinafter provided for at the Weston road. The company will allow the corporation to build and maintain a retaining wall along the south side of a passage which may be made by the corporation from the said subway at the Canada Wire Mattress Company's factory, on a strip of land three feet wide, along the northernmost limit of the company's property, between the Weston road and the westerly boundary of the Grand Trunk Railway Company's property; the corporation agree to properly and thoroughly maintain the said retaining wall for a period of twenty-one (21) years from the date of the completion of the siding above referred to, and thereafter as long as the excavation made for the said passage, or any part of it shall remain, so as to render necessary the support of the company's lands, on or south of the said strip.

7. The company will not at any time discriminate against the town of West Toronto Junction in rates.

8. The property of the company held for railway purposes within the said town shall in respect of the term of ten (10) years from the first day of January, 1890, be exempt from all municipal taxes, rates or assessments, and also from all county, local improvement or other taxes, rates or assessments which by law can now or at any time during the said period be imposed or collected, by or on account of the municipality of the said town, or any part thereof except as is hereinafter excepted in regard to dwellings with the exception of school rates, and as to these the amount upon which they shall be paid during such term shall be the assessment of the company's premises to be made in the present year not including the value of any works to be done under this agreement.

9. The corporation will supply the said company from the waterworks of the said town, all the water required for railway purposes, and for the protection from fire of the railway premises free of cost for the term of ten (10) years from the date hereof, and will keep such works sufficient for that purpose except in case of unavoidable accidents as hereinafter mentioned, and will furnish and maintain all conduit pipes necessary for that purpose, so that such water shall be conducted to the company's lands in said town provided that the water to be so supplied, shall not be taken directly from hydrants except for fire protection, and provided also that the corporation shall not be held liable by the company for failure to supply water as above, if the failure be owing to unavoidable accident to their waterworks system, and if the consequences of such accident be remedied without delay by the corporation;

10. The exemption from taxation and the free supply of water provided for above shall not extend to dwellings erected



on its lands by the company and rented to tenants or occupied by employees of the said company ;

11. The corporation will construct on Keele Street in said town under the company's railway tracks, a subway with retaining walls on each side of said subway along the whole distance of the company's property, and proper and sufficient approaches thereto, and will make all necessary roads, sidewalks, drains and other things pertaining thereto, and will thereupon cause Keele Street to be legally and effectually closed and discontinued as a highway, and so as to prevent all traffic on the level along said street across the company's right-of-way, a distance of ninety-nine (99) feet said subway shall be excavated across the company's right-of-way at Keele Street for the said distance of ninety-nine (99) feet to such a depth as to permit of the bridges for the Company's track hereinafter provided for being erected, and maintained on any portion of the said retaining walls of said subway across the said right of way and at any place or places on the whole of said distance, said retaining walls to be of such design, and strength across the whole of the said distance of ninety-nine (99) feet, as to permit of the bridges or girders above referred to being erected on them readily, and with safety. And the said corporation will provide and erect entirely at their own expense on said retaining walls iron or steel " deck " girders with floor system complete for five tracks or at the company's option an iron or steel webb deck girder bridge with floor system complete sufficiently wide to accommodate five tracks the usual distance apart. The location of said girders or bridges to be within the limit of the company's right-of-way, a distance of ninety-nine (99) feet, and at such place or places as may be decided on by the company's engineer ;

12. The corporation will construct a subway on the Weston Road in said town under the company's railway tracks with retaining walls on each side along the whole distance of the company's property and proper and sufficient approaches thereto, and will make all necessary roads, sidewalks, drains, and other things pertaining thereto, and will thereupon cause the Weston Road to be legally and effectually closed and discontinued as a highway, and so as to prevent all traffic on the level along said Weston road between two lines drawn parallel with the company's present track which crosses the Weston road one line being thirty-three (33) feet north and the other forty-seven (47) feet south measured at right angles from the centre of said main track. Said subway shall be excavated on the Weston road between the said two parallel lines to such a depth as to permit of the bridges for the company's tracks hereinafter provided for being erected and maintained on any portion of the retaining walls of said sub-way and at any place or places between the said two parallel lines. Said retaining walls to be of such design and strength across the whole of the said distance between the said two parallel lines as to permit of the bridges or girders above referred to being erected on them readily and with safety. And that the said corporation will provide and erect entirely at their own expense on said retaining walls iron or steel " deck " girders with floor system complete for the siding to the factory of the Canada Wire Mattress Company hereinbefore provided for if the corporation require said siding to be constructed, also iron or steel " deck "

girders with floor system complete for three tracks or at the company's option an iron or steel webb "deck" girder bridge with floor system complete, sufficiently wide to accommodate three tracks the usual distance apart. The location of said girders or bridge to be within the said two parallel lines and at such place or places as may be decided on by the Company's engineer.

13. Should the corporation so elect they shall have the right instead of constructing the subways and bridges at the Weston Road and at Keele Street as aforesaid to substitute at either of such places an overhead iron or steel bridge as is hereinafter specified, in lieu of the subway and bridge for that place as above mentioned, or at its option, overhead iron or steel bridges as are hereinafter specified for both places, in lieu of the two subways and bridges as above mentioned in both instances, or in either instance as the case may be, such overhead iron or steel bridge or bridges to be placed above the company's tracks on the lines of the said highway or highways as the case may be, and the corporation shall thereupon cause the Weston Road and Keele Street, if the overhead bridges be adopted for both, to be closed and discontinued as highways as agreed upon in clauses eleven and twelve, or if the overhead bridge be adopted only in respect of one of them, then the corporation shall cause that one to be closed and discontinued, and if the overhead bridge be adopted for Keele Street it shall be not less than twenty-one feet six inches ( $21\frac{1}{6}$ "), clear in height above the tops of the company's rails across the whole of the company's right-of-way at said street, that is for the said distance of ninety-nine (99) feet as aforesaid, and if the overhead bridge be adopted for Weston Road it shall be not less than twenty-one feet six inches ( $21\frac{1}{6}$ ") clear in height above the tops of the company's rails for the whole distance between the said two parallel lines. In the event of the corporation electing to build an overhead bridge at the Weston Road in lieu of the subway referred to, nothing in this agreement shall be construed as binding the company in any way to put in a siding to the Canada Wire Mattress Company's factory upon the terms hereinbefore provided, but in that case the company will put in a siding to the Canada Wire Mattress Company's factory if required to do so by the corporation upon the same terms as provided for in respect of the Hess and Heintzman factories in clause five of this agreement.

14. The company will allow the retaining walls of the two subways referred to or of either of them in case only one be adopted to be built on its property and to this extent only shall the company's lands be utilized for the said subways. In the event however of the corporation electing to build an overhead bridge in lieu of one or overhead bridges in lieu of both of the subways hereinbefore referred to nothing in this agreement shall be held to give it the right to occupy with such overhead bridges or either of them or the supports of them or either of them or any part of them or either of them any portion whatever of the company's land and it will abstain from occupying for that purpose any part of the Weston road between the said two parallel lines or any part of Keele street, for the said distance of ninety-nine feet and the company shall have the free use of the said portion of the Weston



road and of Keele street, the corporation using only land outside those limits for the supports of the said overhead bridges or either of them. The company however is not to make any claim against the corporation for damages by reason of the construction as herein provided of the said subways or overhead bridges.

15. The corporation will maintain the retaining walls and bridge sub-structures, and all roads, sidewalks, drains and other things pertaining to the highway, both at Weston road and at Keele street for all time; the company to maintain the bridges provided for the tracks at the two subways referred to except the most northerly girders at the Weston road subway which may be provided for the siding to the Wire Mattress Company's factory, such northerly girders if they be provided to be always maintained by the corporation. In the event of the corporation electing to construct overhead bridges at one or both of said highways, it agrees that the construction and maintenance for all time of the same and of all approaches thereto, and of the highway, sidewalks, etc., over the same shall be entirely at the expense of the corporation, and the corporation will indemnify the company against all claims in respect of any such maintenance or arising out of the insufficiency of such maintenance.

16. The bridges at the two subways referred to and their sub-structures and the retaining walls along the company's property are to be built subject in design, material, workmanship and construction to the approval of the company's engineer, and in accordance with the plans and specifications prepared or to be prepared in conformity with this agreement and identified by the signatures of the parties hereto. The temporary support for the company's track at the Weston road and at Keele street during the construction of said subways and such temporary support for the overhead bridges as may be required in their construction shall be provided by the corporation, and the design, material and the work and labor shall be subject to the approval and inspection of the company's engineer. The company agrees however that if such design and materials and work and labor shall be so provided according to the approval of the company's engineer, then the corporation shall be relieved of all responsibility for damages which may at any time occur to the company's property, consequent upon any defect or any insufficiency in the design, the material, the workmanship, the labor or the construction which shall have been so approved of in any of such temporary supports. The company further agrees that if the subways substructures and bridges in connection therewith be in accordance with the design, material and workmanship and construction approved of by the company's engineer, and be so found by the company's engineer, or by a referee appointed as hereinafter provided, then the corporation shall be relieved of all responsibility for damages which may at any time occur to the company's property consequent upon any defect or insufficiency in the said subways substructures and bridges, and undertakes to save the corporation harmless from any and all responsibility for damages, for accident to freight, or to passengers or employees of the company or other persons using said company's lines consequent upon any such defect or insufficiency in the said supports or in the said subways, bridges, over subways and retaining walls. And the corporation hereby agree

to relieve the company for all time from all responsibility in respect of the use and maintenance of the overhead bridges above referred to and each of them, and to indemnify the company in respect of any claim growing out of any insufficient maintenance of the same, and further that the safe and continuous operation of the company's railway is not to be in any way interfered with during or by reason of the construction of the said subways and bridges in connection therewith or by reason of the construction of the overhead bridges referred to or of any of them. And if the said overhead bridges be insufficient in design, material or workmanship the corporation will pay the company such damage if any as it may suffer on account of such insufficiency.

17. The corporation hereby undertake to save the said company harmless and indemnified in respect of any liability to construct and maintain sufficient approaches to the said subways, and the said overhead bridges and good roads along the same and all drains, sidewalks and other things pertaining thereto and against any claims for damage of any kind whatsoever which may be made in connection with the said subways or overhead bridges or any of them, or the construction maintenance or use thereof or of any of them except such responsibility or claims for damages as the corporation is relieved from under clause nine (9) of this agreement. The corporation also hereby agree to save the company harmless from any and all claims whatsoever consequent upon the closing up of the Weston road or of Keele street or of both of them as highways across the company's property on the level as provided in clauses eleven, twelve and thirteen of this agreement.

18. The corporation agrees to complete, in accordance with this agreement, the subways and bridges in connection therewith, or in lieu thereof the overhead bridges at the Weston road and at Keele street, and to cause the said streets to be closed and discontinued for highway traffic, as hereinbefore provided, before the end of the year eighteen hundred and ninety-one (1891), and to indemnify the company against any claim or claims which may arise in consequence of the corporation failing to fulfil this covenant.

19. The company is to transport on its railway the stone required and actually used in the construction of the subways or overhead bridges referred to, and shipped from quarries on the company's lines at the rate of one cent per ton per mile.

20. The execution of these presents by the corporation is conditional upon the owners of property affected executing agreements as to damages and a private Act being obtained ratifying the subway by-law and this agreement.

21. In case of disagreement between the company's engineer and the engineer of the corporation on the question whether any of the work and materials to be furnished by the corporation under this agreement has or has not been furnished according to the terms hereof, the same and any other matter arising out of this agreement, except as hereinafter excepted, shall be referred to a consulting engineer to be agreed upon by the parties, or, in default of such agreement, to an engineer to be appointed by a judge of the High Court of Justice, and the decision of such referee shall be binding on both parties, except, however, that the propriety of the design, material, workmanship and construction of any of the said works

approved by the company's engineer and to be furnished or done by the corporation shall not be the subject of reference, but only the question whether or not the works as done are in accordance with the requirements so approved of by the company's engineer.

In witness whereof the corporation has hereto caused to be affixed its corporate seal and the hands of its mayor and clerk, and the company has hereto caused to be affixed its corporate seal and the hands of its president and secretary.

The Municipal Corporation of the Town of  
West Toronto Junction :

GEORGE D. St. LEGER,  
*Mayor.*  
ROBT. G. LEIGH,  
*Clerk.*

The Canadian Pacific Railway Company :

W. C. VAN HORNE,  
*President.*  
C. DRINKWATER,  
*Secretary.*

No. 37.

4th Session, 6th Legislature 53 Vic., 1890.

BILL.

An Act respecting the Town of West  
Toronto Junction.

First Reading, 18th February, 1890.

*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

Mr. GILMOUR.

TORONTO :

PRINTED BY WEAVER & SONS, 68 AND 70 FRONT ST. W.



An Act to Incorporate The Kent and Lambton Railway Company.

WHEREAS the construction of a railway from some point in the town of Chatham, in the county of Kent, thence to a point in the village of Wallaceburg and from thence to a point in the town of Petrolea, in the county of Lambton, has become desirable for the development of the resources of certain portions of the counties of Kent and Lambton, and for the public convenience and accommodation of the inhabitants thereof; and whereas a petition has been presented praying for the incorporation of a company for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. James W. Steinhoff, William D. McRae, Harvey Morris, Thomas B. Gillard, George Mitchell, William Whitebread, Alfred S. Shambleau, Thomas Redpath, Joseph C. Shaw, Daniel Dobie, John Langworth, William K. Snyder, and John S. Fraser, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Kent and Lambton Railway Company" hereinafter called the company.

2. The company, their agents and servants, shall have full power under this Act to survey, lay out, construct, complete and operate a railway from any point in the town of Chatham to any point in the village of Wallaceburg, and from thence to any point in the town of Petrolea, with full power to pass over any portion of the country between the points aforesaid and to carry their railway through any Crown lands lying between the points aforesaid.

3. The gauge of the said railway shall be four feet eight and one half inches.

4. James W. Steinhoff, William D. McRae, Harvey Morris, Thomas B. Gillard, George Mitchell, William Whitebread, Alfred S. Shambleau, Thomas Redpath, Joseph C. Shaw, Daniel Dobie, John Langworth, William K. Snyder, and John S. Fraser, with power to add to their number, are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors are elected, under the provisions of this Act, by the shareholders; and shall have power to fill the place or places of any of their number which

Rev. Stat.  
c. 170.

may become vacant, and to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books and to receive such subscriptions, and the said committee, or a majority of them, may, in their discretion, exclude any person from subscribing.

Capital stock.

Rev. Stat.  
c. 170.

5. The capital stock of the company hereby incorporated shall be \$200,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into two thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election  
of directors.

6. When and as soon as shares to the amount of \$50,000 of the capital stock of the company shall have been subscribed, and ten per cent. thereof shall have been paid into one of the chartered banks of the Dominion having an office in the Province of Ontario, (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a newspaper published in each of the counties of Kent and Lambton, and in the *Ontario Gazette*, of the time, place and object of such meeting, and at such general meeting, the shareholders present either in person or by proxy and who shall, at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons, to be directors of the company in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

Power of directors to exclude persons from subscribing for stock.

7. The provisional or elected directors of the company may, in their discretion, exclude any one from subscribing for stock in the said company or rescind the subscription and return the

deposit of any person if they are of the opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if, at any time, more than the whole  
 5 stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of  
 10 the said subscribers, if, in their judgment, this will best secure the building of the said railway.

8. The said provisional directors, or elected directors, may pay or agree to pay in paid up stock or in the bonds of the said company, such sums as they may deem expedient to  
 15 engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of  
 20 the undertaking, or purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreements so made shall be binding on the company.

Power to make certain payments in paid up stock.

9. The general annual meeting of the shareholders of the  
 25 company shall be held in such place in the town of Chatham or at such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previous in the *Ontario Gazette*, and once a week in one newspaper  
 30 published in each of the counties of Kent and Lambton, during the four weeks preceding the week in which such meeting is to be held.

Annual meetings.

10. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such  
 35 manner, and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided by the last preceding section.

Special meetings.

11. Every holder of one or more shares of the said capital  
 40 stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock, upon which such shareholder seeks to vote, shall have been paid up at least one week before the day appointed for such meeting.

Votes.

45 12. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up.

Qualification of directors.

13. The directors may, from time to time, make calls as  
 50 they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 6 of this Act.

Calls.

Rights of  
Aliens.

**14.** Aliens and companies incorporated abroad as well as British subjects and corporations, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company. 5

Quorum of  
directors.

**15.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, four directors shall form a quorum for the transaction of business; and the said board of directors may employ and pay one of their number as managing director. 10

Grants of land  
to Company.

**16.** Any municipality, through which the said railway may pass, is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company. 20

Power to hold  
additional  
property.

**17.** The company shall have power to purchase and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections for the uses of the said company, and the same or portions thereof, in their discretion, to sell or convey, and also to make use for the purposes of said railway, of any stream or watercourse at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse. 30

Aid to com-  
pany.

**18.** The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon. 35

Right to use  
highways.

**19.** It shall and may be lawful for any municipality, through which said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company; and if such highway be either in the possession of, or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may, from time to time, deem expedient with any municipality, corporation or person, for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway. 40 45 50

Exemption  
from taxes.

**20.** It shall and may further be lawful for the council of any municipality, through which any part of the said railway



passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

21. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained: provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

22. Such by-laws shall be submitted by the municipal council, to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters.

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act*.

3. In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, as aforesaid.

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

23. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein; and

Aid from municipalities.

Provisions as to bonus by-laws.

Rev. Stat., c. 184.

Provisions for referring to arbitration, disputes as to bonus by-laws.

upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended then by the company or the county, as the arbitrators may order.

Deposit for expenses.

**24.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Rate not exceeding three cents in the dollar valid.

**25.** Any municipality or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law, provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

By-law, what to contain.

**26.** Such by-law shall in each case provide:—

1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

“Minor municipality,” meaning of.

**27.** The term “minor municipality” shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

If by-law carried council to pass same.

**28.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting

the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

29. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof, shall issue the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

And issue debentures.

30. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Levying rate on portion of a municipality.

31. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Application of municipal Acts as to by-laws.

32. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extension of time for completion.

33. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

Extension of time for commencement.

34. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorising the same, be delivered to three trustees, to be named; one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then, in either case the company shall be at liberty to name such other trustee or trustees; any of the said trustees may be removed and a new trustee appointed in his stead at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of debentures.

Proviso.



Trusts of  
proceeds of  
debentures

**35.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Kent and Lambton Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Fees to  
trustees.

**36.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to  
acquire more  
land than is  
required for  
use of railway.

**37.** Whenever it shall be necessary, for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring  
gravel, etc.,  
for construc-  
tion or main-  
tenance of  
railway.

**38.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which such material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c.  
170.



39.—(1) When said gravel, stone, or other material shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to gravel pits, etc.

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

40. The company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of the said railway, and to erect and maintain snow-fences thereon subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow-fences so erected shall be removed on or before the first day of April following.

41. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100; and any such promissory note or bill of exchange made, accepted, or endorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Negotiable instruments.

Proviso.

42. The directors of the company, after the sanction of the shareholders shall have been first obtained, at any annual general meeting, or any special general meeting called for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or

Bonds.

formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid, and the company may by by-law, before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof and the interest thereon, and other particulars in reference thereto; provided, however, that the whole amount of such issue of bonds shall not exceed \$10,000 per mile for each and every mile of railway by this Act authorized to be built; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general meeting of the company, and at all subsequent general meetings, so long as such interest, or any part thereof, shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting and for all purposes as are attached to shareholders; provided further that the holder of any bond or bonds shall, at least three days before any such meeting, produce the bonds held by him to the secretary of the company for registration in the holder's name, and it shall be the duty of the secretary of the company to register the same on being so required by any holder thereof.

Proviso.

Proviso.

Proviso.

Pledging stock.

**43.** The company may, from time to time, for advances of money, pledge any stock, debenture or bonds, which under the powers of this Act can be issued for the construction of the railway or otherwise.

Power to collect back charges on goods.

**44.** The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Form of conveyances.

**45.** Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Power to build railway by sections.

**46.** The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map

- or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to “plans and surveys” by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said Railway Act and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to “plans and surveys.”
47. For the purpose of constructing, working, and protecting the telegraph and telephone lines to be constructed by the company on their line of railway, the powers conferred on telegraph and telephone companies by *The Act respecting Electric Telegraph Companies* are hereby conferred upon the company ; and the other provisions of the said Act for the working and protection of telegraph and telephone lines shall apply to any such telegraph and telephone lines constructed by the company.
48. The several clauses of *The Railway Act of Ontario* shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof ; and the expression “this Act.” when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.
49. The company shall at all times receive and carry cordwood, sawlogs, stave and heading bolts, ties, piles, square and round timber, at a rate not to exceed one cent per mile per ton, on the whole mileage from all stations exceeding five miles, and at a rate not exceeding two cents per ton per mile from all stations under five miles ; the company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood, logs, bolts, piles, square and round timber to as large an extent as in the case of other freight carried over the said railway.
50. The railway shall be commenced within two years and completed within five years after the passing of this Act.

Rev. Stat.  
c. 170.

Telegraph and  
telephone  
lines.

Rev. Stat.  
c. 158.

Railway Act  
incorporated.

Tolls for car-  
riage of tim-  
ber.

Commence-  
ment and  
completion of  
railway.



## SCHEDULE A.

(Section 45.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of        dollars paid to me (or us) by The Kent and Lambton Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of        dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*), of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Kent and Lambton Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*), and I (or we) wife (or wives) of the said        do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals), this        day of        18        .

Signed, sealed and delivered, {  
in the presence of        }

L. S.

## SCHEDULE B.

(Section 35.)

*Chief Engineer's Certificate.*

The KENT AND LAMBTON RAILWAY COMPANY'S OFFICE.

No.                      Engineer's Department,                      A.D. 18

Certificate to be attached to cheques drawn on the Kent and Lambton Railway Company Municipal Trust Account, given under section        chapter        of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for The Kent and Lambton Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.        of the township of        (or under the agreement dated the        day of        between the corporation of        and the said company), to entitle the said company to receive from the said trust, the sum of        (*here set out the terms and conditions, if any, which have been fulfilled*).





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4th Session, 6th Legislature, 53 Vic., 1890

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BILL.

An Act to Incorporate The Kent and  
Lambton Railway Company.

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First Reading,	1890.
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(Private Bill.)

Mr. CLANCY.

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FOR INTRODUCTION:

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PRINTED BY WARWICK & SON, 68 AND 70 FLORET ST. W.

An Act to Incorporate The Kent and Lambton Railway Company.

**W**HEREAS the construction of a railway from some point in the town of Chatham, in the county of Kent, thence to a point in the village of Wallaceburg and from thence to a point in the town of Petrolea, in the county of Lambton, has become desirable for the development of the resources of certain portions of the counties of Kent and Lambton, and for the public convenience and accommodation of the inhabitants thereof; and whereas a petition has been presented praying for the incorporation of a company for that purpose; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. James W. Steinhoff, William D. McRae, Harvey Morris, Thomas B. Gillard, George Mitchell, William Whitebread, Alfred L. Shambleau, Thomas Redpath, Joseph C. Shaw, Daniel Dobie, John Langwith, William K. Snyder, and John S. Fraser, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Kent and Lambton Railway Company" hereinafter called the company. Incorporation

2. The company, their agents and servants, shall have full power under this Act to survey, lay out, construct, complete and operate a railway from any point in the town of Chatham to any point in the village of Wallaceburg, and from thence to any point in the town of Petrolea, with full power to pass over any portion of the country between the points aforesaid and to carry their railway through any Crown lands lying between the points aforesaid. Location of line.

3. The gauge of the said railway shall be four feet eight and one half inches. Gauge.

4. James W. Steinhoff, William D. McRae, Harvey Morris, Thomas B. Gillard, George Mitchell, William Whitebread, Alfred L. Shambleau, Thomas Redpath, Joseph C. Shaw, Daniel Dobie, John Langwith, William K. Snyder, and John S. Fraser, with power to add to their number, are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors are elected, under the provisions of this Act, by the shareholders; and shall have power to fill the place or places of any of their number which Provisional directors.

Rev. Stat.  
c. 170.

may become vacant, and to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books and to receive such subscriptions, and the said committee, or a majority of them, may, in their discretion, exclude any person from subscribing.

Capital stock.

Rev. Stat.  
c. 170.

5. The capital stock of the company hereby incorporated shall be \$200,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into two thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election  
of directors.

6. When and as soon as shares to the amount of \$50,000 of the capital stock of the company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a newspaper published in each of the counties of Kent and Lambton, and in the *Ontario Gazette*, of the time, place and object of such meeting, and at such general meeting, the shareholders present either in person or by proxy and who shall, at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons, to be directors of the company in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

Power of directors to exclude persons from subscribing for stock.

7. The provisional or elected directors of the company may, in their discretion, exclude any one from subscribing for stock in the said company or rescind the subscription and return the



deposit of any person if they are of the opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if, at any time, more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway.

8. The said provisional directors, or elected directors, may pay or agree to pay in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreements so made shall be binding on the company.

Power to make certain payments in paid up stock.

9. The general annual meeting of the shareholders of the company shall be held in such place in the town of Chatham or at such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in each of the counties of Kent and Lambton, during the four weeks preceding the week in which such meeting is to be held.

Annual meetings.

10. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided by the last preceding section.

Special meetings.

11. Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock, upon which such shareholder seeks to vote, shall have been paid up at least one week before the day appointed for such meeting.

Votes.

12. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up.

Qualification of directors.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 9 of this Act.

Calls.

**Rights of  
Aliens.**

**14.** Aliens and companies incorporated abroad as well as British subjects and corporations, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

**Quorum of  
directors.**

**15.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, four directors shall form a quorum for the transaction of business; and the said board of directors may employ and pay one of their number as managing director.

**Grants of land  
to Company.**

**16.** Any municipality, through which the said railway may pass, is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

**Power to hold  
additional  
property.**

**17.** The company shall have power to purchase and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections for the uses of the said company, and the same or portions thereof, in their discretion, to sell or convey, and also to make use for the purposes of said railway, of any stream or watercourse at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

**Aid to com-  
pany.**

**18.** The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

**Right to use  
highways.**

**19.** It shall and may be lawful for any municipality, through which said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company; and if such highway be either in the possession of, or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may, from time to time, deem expedient with any municipality, corporation or person, for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

**Exemption  
from taxes.**

**20.** It shall and may further be lawful for the council of any municipality, through which any part of the said railway

passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

**21.** Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from municipalities.

**22.** Such by-laws shall be submitted by the municipal council, to the vote of the ratepayers in manner following, namely:— Provisions as to bonus by-laws.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters.

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act and amendments thereto*.

3. In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act and amendments thereto*, as aforesaid. Rev. Stat., c. 184.

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

**23.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein; and Provisions for referring to arbitration, disputes as to bonus by-laws.



upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended then by the company or the county, as the arbitrators may order.

Deposit for expenses.

**24.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Rate not exceeding three cents in the dollar valid.

**25.** Any municipality or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law, provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

By-law, what to contain.

**26.** Such by-law shall in each case provide:—

1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

“Minor municipality,” meaning of.

**27.** The term “minor municipality” shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

If by-law carried council to pass same.

**28.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting



the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

**29.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof, shall issue the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act. And issue debentures.

**30.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rate on portion of a municipality.

**31.** The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of municipal Acts as to by-laws.

**32.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. Extension of time for completion.

**33.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year. Extension of time for commencement.

**34.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorising the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then, in either case the company shall be at liberty to name such other trustee or trustees; any of the said trustees may be removed and a new trustee appointed in his stead at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees of debentures. Proviso

**35.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Kent and Lambton Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

**36.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to acquire more land than is required for use of railway.

**37.** Whenever it shall be necessary, for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring gravel, etc., for construction or maintenance of railway.

**38.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which such material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 170.

**39.—(1)** When said gravel, stone, or other material shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to gravel pits, etc.

Rev. Stat. c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

**40.** The company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of the said railway, and to erect and maintain snow-fences thereon subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow-fences so erected shall be removed on or before the first day of April following.

Snow-fences.

**41.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100; and any such promissory note or bill of exchange made, accepted, or endorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Negotiable instruments.

Proviso.

**42.** The directors of the company, after the sanction of the shareholders shall have been first obtained, at any special general meeting called for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or

Bonds.



formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid, and the company may by by-law, before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof and the interest thereon, and other particulars in reference thereto; provided, however, that the whole amount of such issue of bonds shall not exceed \$10,000 per mile for each and every mile of railway by this Act authorized to be built; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general meeting of the company, and at all subsequent general meetings, so long as such interest, or any part thereof, shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting and for all purposes as are attached to shareholders; provided further that the holder of any bond or bonds shall, at least three days before any such meeting, produce the bonds held by him to the secretary of the company for registration in the holder's name, and it shall be the duty of the secretary of the company to register the same on being so required by any holder thereof.

Pledging  
stock.

**43.** The company may, from time to time, for advances of money, pledge any stock, debenture or bonds, which under the powers of this Act can be issued for the construction of the railway or otherwise.

Power to  
collect back  
charges on  
goods.

**44.** The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Form of con-  
veyances.

**45.** Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Power to build  
railway by  
sections.

**46.** The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map



or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to Rev. Stat. c. 170. "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said Railway Act and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

47. For the purpose of constructing, working, and protecting the telegraph and telephone lines to be constructed by the company on their line of railway, the powers conferred on telegraph and telephone companies by *The Act respecting Electric Telegraph Companies* are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph and telephone lines shall apply to any such telegraph and telephone lines constructed by the company. Telegraph and telephone lines. Rev. Stat. c. 158.

48. The several clauses of *The Railway Act of Ontario and of every Act in amendment thereof*, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act." when used herein, shall be understood to include the clauses of the said Railway Act *and of every Act in amendment thereof*, so incorporated with this Act. Railway Act incorporated.

49. The company shall at all times receive and carry cordwood, sawlogs, stave and heading bolts, ties, piles, square and round timber, at a rate not to exceed one cent per mile per ton, on the whole mileage from all stations exceeding five miles, and at a rate not exceeding two cents per ton per mile from all stations under five miles; the company shall further at all times furnish every facility necessary for the free and unstrained traffic in cordwood, logs, bolts, piles, square and round timber to as large an extent as in the case of other freight carried over the said railway. Tolls for carriage of timber.

50. The railway shall be commenced within two years and completed within five years after the passing of this Act. Commencement and completion of railway.

## SCHEDULE A.

*(Section 45.)*

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of                      dollars paid to me (or us) by The Kent and Lambton Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of                      dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*), of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Kent and Lambton Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*), and I (or we) wife (or wives) of the said                      do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals), this                      day of 18                      .

Signed, sealed and delivered, }  
in the presence of                      }

L. S.

## SCHEDULE B.

*(Section 35.)**Chief Engineer's Certificate.*

The KENT AND LAMBTON RAILWAY COMPANY'S OFFICE.

No.                      Engineer's Department,                      A.D. 18

Certificate to be attached to cheques drawn on The Kent and Lambton Railway Company Municipal Trust Account, given under section                      chapter                      of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for The Kent and Lambton Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.                      of the township of                      (or under the agreement dated the                      day of                      between the corporation of                      and the said company), to entitle the said company to receive from the said trust, the sum of                      (*here set out the terms and conditions, if any, which have been fulfilled*).



No. 38.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to Incorporate The Kent and  
Lambton Railway Company.

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First Reading, 25th February, 1890.

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*(Reprinted as amended by Railway  
Committee.)*

(Private Bill.)

MR. CLANCY,

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to enable the corporation of the City of St.  
Thomas to issue Debentures for Waterworks.

**W**HEREAS the corporation of the city of St. Thomas have Preamble.  
by their petition represented that they have constructed

waterworks through portions of the said city, and entered into  
contracts for running and maintaining the same, but that  
5 owing to the extension of the city limits and the increase of  
population the same is inadequate for the present requirements  
of the city and that the estimated cost of extending and per-  
fecting such system of waterworks is about \$125,000; and  
further, that it is desirable and would be beneficial and advan-  
10 tageous for the said city to extend and perfect the system of  
waterworks so partially carried out, and to borrow the said  
sum of \$125,000 for that purpose; and whereas it is further  
represented that the said proposed waterworks are of a per-  
manent character and will endure for a period long exceeding  
15 the time of the maturing of the debentures hereby authorized  
to be issued, and that the said corporation can borrow the  
money and repay the same to much greater advantage if the  
said debentures extend over a period of forty years; and that  
it is desirable that the cost of constructing, extending and im-  
20 proving the waterworks in the said city be raised by borrowing  
money for that purpose upon the credit of the said corporation  
secured by the debentures herein authorized; and whereas it  
is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
25 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The council of the said corporation of the city of St. Issue of  
debentures  
authorized.  
Thomas may pass a by-law providing for the issue of deben-  
tures under its corporate seal signed by the mayor and counter-  
30 signed by the treasurer for the time being for such sums not  
less than \$100 each and not exceeding in the whole \$125,000  
as the council of the said corporation may by such by-law  
direct and the principal sum secured by such debentures and  
the interest accruing due thereon may be made payable either  
35 in this Province or in Great Britain or elsewhere.

2. The council of the corporation of the said city may, Power to raise  
money on  
debentures.  
for the purpose aforesaid, raise money by the sale or by  
hypothecation of the said debentures from time to time as they  
may deem expedient.

40 3. The principal sum to be secured by the debentures to be Payment of  
debentures &  
and interest.  
issued under this Act and the interest accruing thereon at  
such rate not exceeding four and one-half per centum per  
annum as the said council shall determine shall be payable

yearly according to the coupons attached thereto, and a portion of the said debentures issued under such by-law shall be payable in each year for a term not exceeding forty years from the first day of July, 1890, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures. 5

Application of  
proceeds of  
debentures.

4. All moneys arising from the sale or hypothecation of the said debentures shall be applied by the said corporation towards the expense to be incurred in the construction, extension, enlargement and alteration of the said system of waterworks and for no other purpose, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner. 15

Special rate.

5. For payment of the principal money of the said debentures and the interest thereon the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year sufficient to pay the interest on said debentures and the principal thereof. 20

Construction  
and extension  
of waterworks.

6. It shall be lawful for the said corporation to enter into any contract or contracts with any person or persons or body corporate for the construction and extension of such waterworks for the said city as the council of the said corporation shall deem advisable, and for any extension, enlarging or altering of such waterworks as may be deemed advisable by the said council and on such terms as the said council shall think fit, and to do, perform and complete any and all such works themselves, and to acquire all lands in any way necessary for any of the said purposes in accordance with the provisions of 30  
*The Municipal Waterworks Act.*

Rev. Stat.  
c. 192.

Irregularities  
in form not to  
invalidate de-  
bentures.

7. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them, but the assent of the electors of the said city of St. Thomas shall be obtained to the passing of such by-law in the manner and subject to the provisions of *The Municipal Act* so far as the same relates to waterworks before the said by-law shall have any validity or force. 40

Assent of  
electors  
required.

Rev. Stat.  
c. 184.

Form of  
debentures.

8. The said debentures may be in the form "A" in the Schedule to this Act, or as near thereto as the corporation may find convenient according to the places where and the money in which the same are made payable. 45

## SCHEDULE.

(Section 8.)

## FORM "A" OF DEBENTURES.

No.

\$

PROVINCE OF ONTARIO,  
CITY OF ST. THOMAS.

*Waterworks Debenture.*

Under and by virtue of the Act passed in the fifty-second year of the reign of Her Majesty Queen Victoria and chaptered , and by virtue of By-law No. of the corporation of the city of St. Thomas, passed under the powers contained in the said Act.

The corporation of the city of St. Thomas promise to pay the bearer at in the sum of on the first day of July, A.D. , and the yearly coupons hereto attached as the same shall severally become due.

Dated at St. Thomas, in the County of Elgin, this thirtieth day of June, A.D. 1890.

[L.S.]

A. B.,

Mayor.

C. D.,

Treasurer.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to enable the Corporation of the  
City of St. Thomas, to issue Debentures  
for Waterworks.

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First Reading,                      , 1890.

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(Private Bill)

Mr. INGRAM.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



## An Act to Incorporate the Town of Little Current.

WHEREAS it is expected that the population on the lands hereinafter described will rapidly increase upon the construction of a line of railway to them, and that such line of railway will shortly be completed; and whereas the residents and ratepayers of the said lands have petitioned to be separated from the municipality of Howland, and formed into a corporate town and the council of the municipality of Howland have by their petition set forth that the incorporation of the said lands as a town, will tend to its advancement and empower its ratepayers to make the most desirable regulations for the protection and improvement of property and that the incorporation of the said town would promote its progress and prosperity, and have prayed for incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the passing of this Act the lands herein-  
20 after described, shall be separated from the municipality of  
Howland, and the residents and ratepayers thereof shall be,  
and they are hereby constituted a corporation or body  
politic under the name of "The corporation of the town of  
Little Current," and shall have all the rights, powers and  
25 privileges, enjoyed and exercised by incorporated towns separated from counties in the Province of Ontario, under the existing municipal laws of the said Province except where otherwise provided by this Act.

Town of Little  
Current incor-  
porated.

2. The said town of Little Current shall comprise and con-  
30 sist of the following lands, that is to say: all and singular  
that certain tract of land and land covered with water, situate,  
lying and being in the temporary judicial district of Manitoulin and Province of Ontario, being composed of the town plot of Shaftesbury, and a part of the township of Howland, also  
35 of the water fronts adjoining thereto, and may be better known and described as follows, that is to say: commencing at the north-west angle of lot number twenty-five, in the eleventh concession of the said township; thence south nineteen degrees and twenty-six minutes east astronomically along  
40 the westerly limits of lots number twenty-five, twenty-four and twenty-three, in the said eleventh concession, sixty-four chains more or less to the south-west angle of the said lot number twenty-three; thence north seventy degrees and thirty-four minutes east astronomically, along the southerly  
45 limit of said lot number twenty-three, twenty-six chains more

Boundaries of  
town.

or less to its intersection with the southerly limit of Cockburn street, in the said town plot of Shaftesbury; thence easterly along the said southerly limit of Cockburn street twenty-nine chains more or less to its intersection, with the easterly limit of lot number twenty-two, in the said eleventh concession; 5 thence south nineteen degrees and twenty-six minutes east, astronomically, along the easterly limit of said lot number twenty-two, two chains and fifty links, more or less, to the south-east angle of the said lot number twenty-two; thence north seventy degrees and thirty-four minutes east, astronomi- 10 cally, across the Manitowaning road, along the southerly limit of park lot number fifteen, across Russel street, and along the southerly limit of park lot number sixteen, in the town plot of Shaftesbury aforesaid, twenty chains and fifty links, more or less, to the south-east angle of the said park lot number 15 sixteen; thence north-easterly along the easterly limits of park lots number sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-three, in the said town plot, thirty-four chains and fifty links, more or less, to the north-east angle of said park lot number twenty-three; thence north- 20 easterly along the production of the easterly limit of the said park lot number twenty-three, six chains and thirty links more or less, to a point in the waters of lake Huron, distant three hundred feet from high water mark, and at right angles to the shore thereof; thence westerly along the line parallel 25 to and three hundred feet distant from the high water mark of the said lake, to the intersection of the production north-westerly of the westerly limit of the said lot number twenty-five in the eleventh concession; thence south-easterly along the said production of limit, five chains and fifty-four and one 30 half links, more or less, to the place of beginning, containing by admeasurement four hundred and ninety-nine acres, be the same more or less.

#### Wards.

3. The said town shall be divided into two wards to be called respectively, the "first" and "second" wards, the first ward 35 shall comprise and consist of all the lands within the said town lying west of the following described lines: commencing at a point in lake Huron on the northerly boundary of said town, where a line drawn through the centre to Worthington street, and produced meets the said northerly boundary; thence 40 in a southerly direction along the said production and along the said centre line of Worthington street, to a point where the said centre line cuts the southerly boundary of the said town; the said second ward shall comprise and consist of all the lands within the said town of Little Current, lying east of 45 the said above described line.

#### Municipal Acts to apply.

4. Except where otherwise provided by this Act the provisions of *The Municipal Act*, and of any Act amending the same with regard to matters consequent on the formation of new corporations shall apply to the said town of Little Current 50 in the same manner as if the said town had been an incorporated village and had been erected into a town under the provisions of the said Act.

#### Nomination for first elec- tion.

5. Immediately after the passing of this Act it shall be lawful for David McGilvery, Esquire, of the said town who is 55 hereby appointed returning officer, to hold the nomination for

the first election of mayor, and councillors at the town hall, in the said town of Little Current, having first caused one week's notice thereof to be posted up in three conspicuous places in each of the said wards, and he shall preside at the  
 5 said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination and such chairman for the time being shall have all the powers of a returning officer, the polling for the said elections if necessary shall be held on the same day  
 10 of the week in the week following the nomination, and the returning officer or chairman shall at the close of the nomination publicly announce the place in each of the said wards at which the polling shall take place.

6. The said returning officer shall by his warrant appoint a  
 15 deputy returning officer for each of the wards into which the said town is divided, and such returning officer and each of such deputy returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions  
 20 of the municipal laws of Ontario, applicable to returning officers, and deputy returning officers at elections in towns in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Deputy re-  
turning offi-  
cers.

7. The clerk of the said municipality of Howland and any  
 other officer thereof shall upon demand made upon him by the  
 said returning officer or any officer of the said town or by the  
 chairman hereinbefore mentioned, at once furnish such return-  
 30 ing officer or chairman with a certified copy of so much of the last revised assessment roll for the said municipality of Howland, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said  
 first election or with the collector's roll or such documents,  
 35 statements, writings or deeds, as may be required for that purpose, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively and each such copy shall be  
 40 verified on oath.

Copy of assess-  
ment roll to be  
furnished by  
clerk of town-  
ship.

8. The council of the said town to be elected in manner  
 aforesaid shall consist of the mayor who shall be the head  
 thereof, and six councillors, three being elected for each ward;  
 and they shall be organized as a council on the same day of  
 45 the week in the week next following the week of the polling or if there be no polling on the same day of the week next following the week of the said nomination; and subsequent elections shall be held in the same manner, and the qualifica-  
 tions for mayor and councillors and for electors at such subse-  
 50 quent elections shall be the same as in towns incorporated under the provisions of *The Municipal Act* and any Act amending the same, and the said council and their successors  
 in office shall have, use, exercise and enjoy, all the powers and  
 privileges vested by the said municipal laws in councils of  
 55 towns separated from counties and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council.

Rev. Stat. c.  
184.



Oaths of office  
and qualifica-  
tion.

**9.** The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of the Province of Ontario to be taken by persons elected or appointed to like offices in towns.

5

Qualification  
at first elec-  
tion.

**10.** At the first election of mayor and councillors for the said town of Little Current the qualification of mayor and councillors, of officers required to qualify and of electors, shall be the same as that required in the municipality of Howland.

Expenses of  
Act.

**11.** The expense incurred to obtain this Act and of furnish- 10  
ing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any parties or party that may be entitled thereto.

By-laws con-  
tinued.

**12.** All by-laws which are in force in the municipality of 15  
Howland shall continue to be in force as if they had been passed by the corporation of the town of Little Current, and shall extend and have full effect within the limits of the town hereby incorporated until repealed by the new corporation.

Adjustment of  
debts and  
liabilities on  
separation  
from muni-  
cipality of How-  
land.

**13.** Except as otherwise provided by this Act the property 20  
assets, debts, liabilities, and obligations of the municipality of Howland shall be apportioned between the said municipality of Howland and the said town of Little Current as may be agreed upon; and in case of no agreement then by the award of three arbitrators, one being appointed by each of the said muni- 25  
cipalities of Howland and the town of Little Current and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within three months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in 30  
Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators, or a 35  
majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said respective municipalities.

Collection of  
taxes.

**14.** Arrears of taxes due to the said corporation of the town 40  
of Little Current shall be collected and managed in the same way as the arrears due to towns separated from counties and the mayor and treasurer of the said town shall perform like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions of law 45  
relating to sales of land for arrears of taxes, or to deeds given therefor shall apply to the said corporation of the town of Little Current and to sales of land therein for arrears of taxes due thereon and to deeds given therefor.

Time for tak-  
ing assess-  
ment.

**15.** The council of the said town may pass a by-law for 50  
taking the assessment of the said town for the year from the first of January to the thirty-first of December 1890, between the first day of April and the first day of August, 1890, and



if any such by-law extends the time for making and completing the assessment rolls beyond the first day of June 1890, then the time for closing the court of revision shall be six weeks from the day to which such time is extended, and the final return by the judge twelve weeks from that day.

- 16.** Nothing contained in this Act shall free the township or wards comprising the municipality of the town of Little Current hereby formed, from any liability now existing against the municipality of Howland and the creditors of the said municipality of Howland shall continue to have all the rights and remedies which they had previous to the passing of this Act, for the enforcement of their claims against the townships and wards heretofore comprising the said municipality of Howland.
- 17.** All provisions of law relating to the municipality of Howland and inconsistent with this Act shall not apply to the town of Little Current, or the lands within the limits of the said town.

Rights of  
creditors of  
municipality  
of Howland  
not affected.

Repeal of in-  
consistent  
provisions.

No. 40.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to Incorporate the Town of Little  
Current

First Reading,	1890.
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(Private Bill.)

Mr. LYON.

TORONTO :

PRINTED BY WARWICK & SONS 68 AND 70 FRONT ST. W.

An Act to amend the Act incorporating the Parry  
Sound Colonization Railway Company.

WHEREAS by an Act of the Legislature of the Province of Preamble.

Ontario, passed in the 48th year of Her Majesty's reign,  
chapter 78, the Parry Sound Colonization Railway Company was  
incorporated; and whereas the said company have prayed for  
5 certain amendments to said Act, and for power to increase  
their bonding powers, and to amend the terms for the issue of  
such bonds, for the extension of said line eastward to the vil-  
lage of Renfrew, or some other point on the Canadian Pacific  
railway, for power to cross the Northern and Pacific Junction  
10 railway, to enable the said company to erect telephone lines,  
and make charges for messages sent over said lines, or over  
telegraph lines erected by them; to substitute the words  
"within the limits of the town" for the words "at or near the  
village" in said Act, and for other purposes; and whereas it  
15 is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section 2 of the Act passed in the 48th year of Her Majesty's 48 V. c. 78, s. 2  
20 reign, and chaptered 78, is hereby amended by inserting the amended.  
words "within the limits of the town," instead of the words  
"in the township of McDougall, at or near the village," and by  
adding to said section the following words, "and after the said  
railway is so constructed as aforesaid, the said company shall  
25 have all the powers conferred on them by said Act, to cross  
the said Northern and Pacific Junction railway, and to extend  
their said railway to a point of junction with the Canadian  
Pacific railway at the village of Renfrew, or some other point  
on the said line of railway."

2. Section 7 of said Act is hereby amended by inserting the 48 V. c. 78, s. 7  
word "five" instead of the word "ten" in the fifteenth line of amended.  
said section, and by inserting before the word "nine" in the  
sixteenth line thereof the words "not more than," and insert-  
ing immediately after said word "nine" the words "nor less  
35 than five."

3. Section 8 of said Act is hereby amended by inserting 48 V. c. 78, s. 8  
the word "town" instead of the word "village" in the second amended.  
and third lines of said section, and by adding to said section  
the following words: "or at such other place as may be fixed  
40 by the by-laws of the said company."

48 V. c. 78, s.  
10 amended.

4. Section 10 of said Act is hereby amended by inserting the word "town" instead of the word "village" in the second and seventh lines thereof, and by adding after the words "Parry Sound" in the third line thereof, the words "or such other place, and"

5

48 V. c. 78, s.  
11 amended.

5. Section 11 of the said Act is hereby amended by inserting after the word "purposes" the words, "and upon such notice," and by striking out all the words after the word "company" in the fourth line of said section.

48 V. c. 78, s.  
13 amended.

6. Section 13 of the said Act is hereby amended by striking 10 out the word "five" in the first line, and inserting instead the words "the majority of"

48 V. c. 78, s.  
20 repealed.

7. Section 20 of said Act is hereby repealed and the following substituted therefor:

Issue of mortgage bonds authorized.

20. The company shall have power and authority, upon 15 the approval of a majority of the shareholders, voting in person or by proxy, at any regular annual meeting, or special general meeting called for that purpose, to issue mortgage bonds, not to exceed \$25,000 per mile, for each and every mile of railway herein authorized to be 20 built, for the purposes of the undertaking authorized by this Act, which shall constitute a first mortgage and lien upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said 25 bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid, and such mortgage shall be evidenced by a deed or deeds of trust executed by the company, which deed or deeds shall contain 30 such conditions respecting the payment of the said bonds, and the interest thereon, and respecting the remedies which shall be enjoyed by the holders thereof, or by any trustee or trustees for them, in default of such payment, and for enforcing such remedies thereof, and of the interest or 35 coupons thereon as are approved by a majority of the board of directors of the said company at any regular meeting, or a special meeting called for that purpose, and as are not contrary to law, or the provisions of this Act, and the said company 40 shall have power to secure the bonds authorized by said Act, to be issued by a deed of mortgage on its property, undertaking and franchise, with the usual powers of sale and foreclosure.

48 V. c. 78, s.  
30 amended.  
Construction of telephone lines.

8. Section 30 of said Act is hereby amended by adding thereto the words: "and the said company shall have power 45 to construct telephone lines, and to collect payment for messages sent over said lines or the telegraph lines of said company."

"Town" substituted for "Village of Parry Sound" in incorporating Act.

9. The said Act is hereby further amended by inserting the words "town of Parry Sound" instead of the words "village of Parry Sound" as often as the same shall occur in said 50 Act.





No. 41.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Act incorporating  
the Pary Sound Colonization Railway  
Company.

First Reading,                      , 1890.



(Private Bill.)

Mr. ARMSTRONG.



TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to amend the Act incorporating the Parry  
Sound Colonization Railway Company.

**W**HEREAS by an Act of the Legislature of the Province of Preamble.  
Ontario, passed in the 48th year of Her Majesty's reign,  
chapter 78, the Parry Sound Colonization Railway Company was  
incorporated; and whereas the said company have prayed for  
certain amendments to said Act, and for power to increase  
their bonding powers,  to cross the Northern and Pacific  
Junction railway and to extend their said railway thence  
eastward to any point of junction with any railway within  
the Parry Sound District, to enable the said company to erect  
telephone lines,  and for other purposes; and whereas it  
is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

**1.** Section 2 of the Act passed in the 48th year of Her Majesty's <sup>48 V. c. 78, s. 2</sup>  
reign, and chaptered 78, is hereby amended by inserting the amended.  
words "within the limits of the town," instead of the words  
"in the township of McDougall, at or near the village," and by  
adding to said section the following words, "and after the said  
railway is so constructed as aforesaid, the said company shall  
have all the powers conferred on them by said Act, to cross  
the said Northern and Pacific Junction railway, and to extend  
their said railway,  thence eastward to any point of junc-  
tion with any railway within the Parry Sound District. 

**2.** Section 7 of said Act is hereby amended by inserting <sup>48 V. c. 78, s. 7</sup>  
before the word "nine" in the sixteenth line thereof the amended.  
words "not more than," and inserting immediately after said  
word "nine" the words "nor less than five."

**3.** Section 8 of said Act is hereby amended by inserting <sup>48 V. c. 78, s. 8</sup>  
the word "town" instead of the word "village" in the second amended.  
and third lines of said section, and by adding to said section  
the following words: "or at such other place as may be fixed  
by the by-laws of the said company."

**4.** Section 10 of said Act is hereby amended by inserting <sup>48 V. c. 78, s.</sup>  
the word "town" instead of the word "village" in the second <sup>10 amended.</sup>  
and seventh lines thereof, and by adding after the words  
"Parry Sound" in the third line thereof, the words "or such  
other place, and"

48 V. c. 78, s.  
13 amended.

5. Section 13 of the said Act is hereby amended by striking out the word "five" in the first line, and inserting instead the words "the majority of"

48 V. c. 78, s.  
20 amended.

6. Section 20 of said Act is hereby amended by striking out the words "ten thousand" where they occur in the seventeenth line thereof, and substituting therefor the words "twenty-five thousand."

48 V. c. 78, s.  
30 amended.  
Construction  
of telephone  
lines.

7. Section 30 of said Act is hereby amended by adding thereto the words: "and the said company shall have power to construct telephone lines."

"Town" sub-  
stituted for  
"Village of  
Parry Sound"  
in incorporat-  
ing Act.

8. The said Act is hereby further amended by inserting the words "town of Parry Sound" instead of the words "village of Parry Sound" as often as the same shall occur in said Act.





No. 41.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend the Act incorporating  
the Parry Sound Colonization Railway  
Company.

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First Reading, 25th February, 1890.

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(*Reprinted as amended by Railway  
Committee.*)

(Private Bill.)

Mr. ARMSTRONG.

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TORONTO :

PRINTED BY WANWICK & SONS, 68 and 70 Front St. W.

An Act respecting the Municipality of Neebing and  
the Port Arthur, Duluth and Western Railway  
Company.

**W**HEREAS the corporation of the municipality of Neebing Preamble.  
has by its petition represented that it is desirable to  
confirm a certain by-law heretofore passed by its council, affect-  
ing the Port Arthur, Duluth and Western Railway Company,  
5 and to confer additional powers upon the said municipality;  
and whereas it is expedient to grant the prayer of the said  
petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
10 as follows :—

1. The by-law of the said corporation numbered 99, and inti- By-law 99 of  
tuled "A by-law for granting aid by way of a bonus to the the municipal-  
Port Arthur, Duluth and Western Railway Company," and ity of Neebing  
finally passed on the eighteenth day of October, 1889; and confirmed.  
15 which by-law is set out in full in the schedule A appended to  
this Act, is hereby confirmed and declared to be a good, valid  
and subsisting by-law, and to be binding upon the said corpora-  
tion, its successors and assigns, and also upon the ratepayers and  
inhabitants of the said municipality, and all other persons  
20 interested therein, notwithstanding any want of substance or  
form, either in the by-law itself or in the time or manner of  
passing the same, and the debentures issued thereunder shall  
be absolutely valid and binding upon the said municipality  
according to the terms thereof. Provided, however, that the Proviso.  
25 said debentures shall not be issued or sold or handed over to  
the said railway company until after a resolution shall have  
been duly passed by the said council of the municipality of  
Neebing authorizing the same.

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SCHEDULE A.

(Section 1.)

MUNICIPALITY OF NEEBING.

By-law No. 99.

A by-law for granting aid by way of bonus to the Port  
Arthur, Duluth and Western Railway Company.

Whereas the municipality of Neebing was organized by  
the Act 44 Victoria, chapter 43, and the said organization  
varied by the Act 49 Victoria, chapter 60, and the powers of

the said municipality extended by the Act 52 Victoria, chapter 66; and whereas to promote the general interests of the said municipality it is expedient to grant aid by way of a bonus of fifteen thousand dollars to the Port Arthur, Duluth and Western Railway Company; and whereas it is necessary to raise by way of loan upon the credit of the whole of the said municipality, the sum of fifteen thousand dollars for the purpose of granting such aid by way of bonus, and in order thereto it will be necessary to issue debentures of the said municipality for the said sum of fifteen thousand dollars, payable as herein provided; and whereas it will be requisite to raise annually, during the term of twenty years, by special rate for paying the said debt and interest thereon, the sum of one thousand two hundred and fifty-four dollars; and whereas the amount of the whole ratable property of the said municipality, according to the last revised assessment roll, amounts to \$1,090,866; and whereas the existing debenture debt of the said municipality is thirty-eight thousand dollars, whereof three thousand dollars is on debentures for school purposes, and thirty-five thousand dollars is on debentures issued by the municipality of Shuniah, while the municipality of Neebing was part thereof, and of which there is apportioned to the said municipality by the Act 51 Victoria, chapter 57, ten thousand five hundred dollars, making the said debt in reality thirteen thousand five hundred dollars, and no principal or interest is in arrears.

Therefore, the council of the corporation of the municipality of Neebing, enacts as follows:—

1. This by-law shall affect the whole of the said municipality of Neebing.

2. That by way of bonus as aforesaid from the municipality of Neebing, there is granted to the Port Arthur, Duluth and Western Railway Company the sum of fifteen thousand dollars, aid as hereinbefore recited; and that it shall be lawful for the reeve of the said municipality to raise by way of loan upon the security of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of fifteen thousand dollars, and to cause the same to be paid into the hands of the treasurer of the said municipality, for the purposes and with the objects above recited.

3. That it shall be lawful for the said reeve to cause any number of debentures to be made and issued for such sums of money as may be required either in currency or sterling money, not less than one hundred dollars Canadian currency or twenty pounds sterling each, and not exceeding in the whole the sum of fifteen thousand dollars, as in the preceding section mentioned, and the said debentures shall be sealed with the seal of the corporation of the municipality of Neebing, and be signed by the reeve and treasurer thereof.

4. That the said debentures shall be made payable in twenty years from the date of the issue thereof, either in currency or sterling in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

5. That the said debentures shall bear a rate not exceeding five per cent. per annum from the date thereof, which interest shall be payable half yearly on the first days of July and



January in each year, at the place where the said debentures are made payable, in this Province, Great Britain or elsewhere, as aforesaid.

6. That during twenty years the currency on the debentures to be issued under the authority of this by-law, there shall be raised annually for the payment of interest on the said debentures the sum of seven hundred and fifty dollars, and for the payment of the said debentures the sum of five hundred and four dollars, being such sum (in settling which the rate of interest on investments has been estimated at not more than five per cent. per annum capitalized yearly) as will be sufficient with the estimated interest on the investment thereof to discharge the said debt when payable, making in all the sum of one thousand two hundred and fifty four dollars to be raised annually as aforesaid.

7. That such annual sum shall be raised and levied annually during the twenty years next after this by-law shall take effect, by a special rate sufficient therefor on all ratable property in the said municipality.

8. The said sum of fifteen thousand dollars when obtained shall be applied for the purposes above specified and according to the true intent and meaning of this by-law.

9. That the debentures to be issued hereunder shall contain a provision to the following effect: "This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable except by entry by the treasurer or his deputy in the debenture registry book of the said corporation, at his office in the said municipality."

10. That this by-law shall take effect on the first day of November, A.D. 1889.

11. That the votes of the electors (being the ratepayers entitled to vote on this by-law) of the said municipality of Neebing shall be taken by the clerk of the said municipality the returning officer in that behalf, on Tuesday, the 24th day of September, 1889, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, at the several undermentioned places in the said municipality, namely:—For the township or ward of Blake, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Crooks, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Pardee, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Paipoonge, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Neebing, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of McKellar, at Archibald McLaren's storehouse in the township of McKellar, by Mr. John Thomas Bethune.

12. That on Saturday, the 21st day of September, 1889, the reeve of the said municipality or the then head thereof, shall attend at the council chamber in the said township of Neebing, at twelve o'clock noon, to appoint two persons to attend at the final summing up of the votes by the clerk of the said municipi-

pality, and a person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

13. That the clerk of the council shall attend at the council chamber in the said township of Neebing, at twelve o'clock noon, on Wednesday, the 25th day of September, 1889, and sum up the number of votes given for and against the by-law.

Dated at the council chamber at Fort William, in the township of Neebing, in the municipality of Neebing, this 18th day of October, 1889.

(Sgd)

JOHN McKELLAR,  
*Reeve.*

[SEAL]

(Sgd)

JOHN R. BROWN,  
*Clerk.*



4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Municipality of  
Needing and the Port Arthur, Duluth  
and Western Railway Company.

First Reading, , 1890.

(Private Bill.)

Mr. CONNIE.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act respecting certain Railway By-laws of the Municipality of Neebing.

**W**HEREAS the corporation of the municipality of Neebing, Preamble.  
and the school board of the municipality, and over two-thirds of the ratepayers of the township of McKellar, in the said municipality of Neebing have, by their petitions, prayed that the agreement between the Canadian Pacific Railway Company and the said municipality of Neebing, bearing date the thirtieth day of September, A. D. 1889, together with the by-law of the said municipality of Neebing passed in pursuance thereof, being by-law number 101 (both of which instruments have been by vote of the ratepayers of the said township of McKellar, unanimously adopted) may be confirmed and legalized and declared to be binding upon all parties affected thereby; and whereas the corporation of the municipality of Neebing has by its petition represented that it is desirable to confirm a certain by-law heretofore passed by its council, affecting the Port Arthur, Duluth and Western Railway Company, and to confer additional powers upon the said municipality; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The agreement made and entered into between the Canadian Pacific Railway Company and the corporation of the municipality of Neebing, bearing date the 30th day of September, A. D. 1889, which agreement is set out in schedule "A" appended to this Act, together with the by-law passed by the said municipality pursuant to the said agreement and numbered 101, which by-law is set out in full in schedule "B" appended to this Act are both and each of them is hereby confirmed and declared to be a good, valid and subsisting and binding contract and by-law respectively, both upon the corporations thereto, their respective successors and assigns respectively, as well as upon all the ratepayers and inhabitants of the said municipality and all other persons, firms, companies, boards or corporations mentioned or included therein or affected thereby. Agreement with C. P. R. and by-law No. 101 confirmed.

2. The by-law of the said corporation numbered 99, and intitled "A by-law for granting aid by way of a bonus to the Port Arthur, Duluth and Western Railway Company," and finally passed on the eighteenth day of October, 1889; and which by-law is set out in full in the schedule C appended to this Act, is hereby confirmed and declared to be a good, valid and subsisting by-law, and to be binding upon the said corpora- By-law 99 of the municipality of Neebing confirmed.

Proviso.

tion, its successors and assigns, and also upon the ratepayers and inhabitants of the said municipality, and all other persons interested therein, notwithstanding any want of substance or form, either in the by-law itself or in the time or manner of passing the same, and the debentures issued thereunder shall be absolutely valid and binding upon the said municipality according to the terms thereof. Provided, however, that the said debentures shall not be issued or sold or handed over to the said railway company *unless and until* the main line of the said railway shall have been built on or before the 1st day of July, 1891, through the said municipality to within 200 feet of the junction of Victoria Street and the township line between the townships of Neebing and Neebing additional and *until* after a resolution shall have been duly passed by the said council of the municipality of Neebing authorizing the same.

## SCHEDULE "A."

### (Section 1.)

This indenture, made in duplicate this thirtieth day of September, one thousand eight hundred and eighty-nine, between the Canadian Pacific Railway Company, hereinafter called "the company," of the first part: and the corporation of the municipality of Neebing, hereinafter called "the municipality," of the second part,

Witnesseth, that whereas by by-law number seventy-three of the corporation of the municipality of Neebing it was provided:—

"1. By way of bonus to the Canadian Pacific Railway Company from the township of McKellar, in the municipality of Neebing, the said municipality grants to the said railway company in aid of such railway the sum of \$120,000, and it shall be lawful for the reeve of the said municipality to raise by way of loan upon the security of the debentures hereinafter mentioned from any person or persons, or corporation or corporations who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of \$120,000, and to cause the same to be paid into the hands of the treasurer of the said municipality for the purposes and with the objects above recited.

"2. It shall be lawful for the said reeve to cause any number of debentures to be made and issued for such sums of money as may be required for the purposes of this by-law, either in currency or sterling money, not less than \$100 currency or £20 sterling each, and not exceeding in the whole the sum of \$120,000, as in the immediately preceding section mentioned, and that the said debentures shall be sealed with the seal of the corporation of the municipality of Neebing, and be signed by the reeve, being the head of the said corporation, and also by the clerk of the said municipality.

" 3. The said debentures shall be made payable in twenty years from the date when this by-law shall take effect, either in currency or sterling in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

" 4. The said debentures shall bear interest at the rate of six per cent. per annum from the date thereof, which interest shall be payable half-yearly, on the first days of September and March in each year, at the place where the said debentures shall be made payable in this Province, Great Britain or elsewhere."

And whereas by an Act of the Legislative Assembly of the Province of Ontario, an Act respecting the municipality of Neebing, the said by-law number seventy-three was declared valid, and it was therein provided that the said by-law should not take effect unless and until the council of the municipality of Neebing should pass a resolution in that behalf.

And whereas the said municipality has agreed to pass a resolution declaring that the said by-law shall take effect, and to hand over the debentures to be issued under the said by-law upon the execution of this indenture by the company.

Now therefore this indenture witnesseth that the company agrees with the municipality in consideration of the said bonus of \$120,000, under the provisions of the said by-law, being delivered to the company hereunder that the principal works and workshops of the company in the vicinity of Thunder Bay which may be erected by the company during the time the company desires to continue to take the benefit of exemption and of the payment of taxes under the provisions hereof, will be located and erected within the township of McKellar in the said municipality.

2. The company further agrees with the municipality to take the said debentures at par in lieu of becoming purchasers, and paying the amount thereof into the hands of the treasurer of the municipality, and receiving the said amount from him in currency.

3. The company further agrees with the municipality that upon the receipt of the said debentures, that they will at once deposit the same with two trustees, one to be appointed by each of the parties hereto, and in case of a vacancy in the trusteeship the party appointing the original trustee whose place is vacant may appoint his successor. Such trustees may place said debentures in any Canadian Chartered Bank for safe keeping, and are to hold said debentures and coupons for the following purposes: To pay with the coupons overdue, or as they may become due, all assessments, rates, levies, and taxes for the past years and the present year upon the real and personal property of the company in the township of McKellar except (a) the real property of the company actually used and occupied by any other person or other corporation for the sole use and benefit of such other person or corporation by and with the consent and approval of the company while and during the period it is so actually used and occupied as aforesaid; (b) any vacant land of the company held for sale for speculative purposes by the company while the same is held for the purposes aforesaid.

4. Upon the passing of the by-law, which will exempt all the real and personal property of the company in the township of McKellar, except as aforesaid, from all municipal taxation for the period of ten years from the first day of December, eighteen hundred and eighty-nine, to cancel and deliver up to be destroyed debentures to the face value of \$60,000 with all their coupons not required for the purposes aforesaid.

5. To apply the coupons of the remaining \$60,000 debentures, or so much thereof as may be necessary to pay all school rates or taxes which may be assessed or levied upon the said property which is to be so exempt as aforesaid during the said period of ten years from the first of December, 1889.

6. If upon the expiration of the said ten years from the first day of December, 1889, the said real and personal property, with the exception aforesaid, be made exempt from municipal and school taxes for the period of ten years thereafter, then to cancel and deliver up to the municipality to be destroyed the balance of the debentures and their coupons not used for the purpose aforesaid.

7. If upon the expiration of the said first ten years after the first of December, 1889, the said real and personal property in the township of McKellar, except as aforesaid, is not made exempt from all municipal and school taxation for said period of ten years, then the said trustees are to apply so much of the said coupons and the said debentures of \$60,000 remaining in their hands to pay all of the said municipal and school rates and taxes upon the said real and personal property during the said period of ten years from the first day of December, 1899, as the same may become due, and upon the expiration of the said ten years from the first day of December, 1899, to cancel and deliver up to the municipality to be destroyed the balance of the said debentures and coupons which may not have been used or applied for the purpose of paying said taxes and rates as aforesaid.

In witness whereof the parties hereto have caused their respective seals to be affixed and the hands of their respective officers to be set.

Signed, sealed and executed in the presence of

THE CANADIAN PACIFIC RAILWAY COMPANY :

(Signed) W. C. VAN HORNE,  
*President.*

: ..... :  
: SEAL. :  
: ..... :

(Signed) G. DRINKWATER,  
*Secretary.*

THE CORPORATION OF THE MUNICIPALITY OF  
NEEBING :

(Signed) JOHN MCKELLAR,

(Signed) J. T. BETHUNE, *Reeve.*

(Signed) THOS. T. THOMSON, (Signed) JNO. R. BROWN,  
as to the signatures of John *Clerk.*  
McKellar and Jno. R. Brown.



## SCHEDULE "B."

*(Section 1.)*

MUNICIPALITY OF NEEBING.

*No. 101.*

By-Law respecting a bonus of \$120,000 from the township of McKellar to the Canadian Pacific Railway Company.

Whereas by Act of the Legislative Assembly of the Province of Ontario, being chapter 66 of 52 Victoria, this municipality had certain powers conferred upon it with respect to railway companies; and whereas the said municipality of Neebing has entered into a contract with the Canadian Pacific Railway Company, bearing date the thirtieth day of December, A. D. 1889; and whereas in pursuance of said agreement the municipality has passed by-law number 97, exempting the real and personal property of the Canadian Pacific Railway Company in the township of McKellar in this municipality, as hereinafter particularly set out, from all municipal taxation whatever for a period of ten years from the first day of December, A. D. 1889, intending to include thereby all school rates, and which said by-law when submitted to the ratepayers of the McKellar ward was carried unanimously; and whereas this municipality desires, in pursuance of said agreement, to pass this by-law exempting the aforesaid property in the township of McKellar aforesaid from all municipal taxation for a period of ten years from the first day of December, A. D. 1899; and whereas this municipality also desires, in pursuance of said agreement, and of the unanimously expressed wish of the ratepayers of the said township of McKellar, to pass this by-law exempting the said property in the said township of McKellar from all school rates or taxes for a period of twenty years from the first day of December, A. D. 1889, all of which aforesaid exemptions are given in lieu of the issuing of debentures for \$120,000 as agreed to be given by said agreement of the 30th day of September, A. D. 1889, by way of bonus to the Canadian Pacific Railway Company from the township of McKellar aforesaid.

Therefore the council of the corporation of the municipality of Neebing, enacts as follows:—

1. That all the real and personal property of the Canadian Pacific Railway Company in the township of McKellar shall, for a period of ten years from the first day of December, A. D. 1899, be exempted from all assessments, rates, levies and taxes which may accrue to the said municipality during the said period.

2. That all the real and personal property of the Canadian Pacific Railway Company in the township of McKellar shall, for a period of twenty years from the first day of December, A. D. 1889, be exempted from all school rates and taxes which may accrue to the said municipality during the said period, saving and excepting that the following property of the said company in the said township of McKellar shall not be included

in either of the above exemptions, that is to say: (a) the real property of the company actually used or occupied by any other person or other corporation for the sole use and benefit of such other person or corporation by and with the consent and approval of the company while and during the period it is so actually used and occupied as aforesaid. (b) Any vacant land of the company held for sale for speculative purposes by the company while the same is held for the purposes aforesaid.

(Signed) JOHN McKELLAR,  
*Reeve.*

(Signed) JOHN R. BROWN,  
*Clerk.*  
Council Chamber,  
Fort William West,  
in the township of Neebing.  
31st January, 1890.

.....  
: SEAL :  
.....

## SCHEDULE C.

(Section 1.)

### MUNICIPALITY OF NEEBING.

#### By-law No. 99.

A by-law for granting aid by way of bonus to the Port Arthur, Duluth and Western Railway Company.

Whereas the municipality of Neebing was organized by the Act 44 Victoria, chapter 43, and the said organization varied by the Act 49 Victoria, chapter 60, and the powers of the said municipality extended by the Act 52 Victoria, chapter 66; and whereas to promote the general interests of the said municipality it is expedient to grant aid by way of a bonus of fifteen thousand dollars to the Port Arthur, Duluth and Western Railway Company; and whereas it is necessary to raise by way of loan upon the credit of the whole of the said municipality, the sum of fifteen thousand dollars for the purpose of granting such aid by way of bonus, and in order thereto it will be necessary to issue debentures of the said municipality for the said sum of fifteen thousand dollars, payable as herein provided; and whereas it will be requisite to raise annually, during the term of twenty years, by special rate for paying the said debt and interest thereon, the sum of one thousand two hundred and fifty-four dollars; and whereas the amount of the whole ratable property of the said municipality, according to the last revised assessment roll, amounts to \$1,090,866; and whereas the existing debenture debt of the said municipality is thirty-eight thousand dollars, whereof three thousand dollars is on debentures for school purposes, and thirty-five thousand dollars is on debentures issued by the municipality of Shuniah, while the municipality of Neebing was part thereof, and of which there is apportioned to the said municipality

by the Act 51 Victoria, chapter 57, ten thousand five hundred dollars, making the said debt in reality thirteen thousand five hundred dollars, and no principal or interest is in arrears.

Therefore, the council of the corporation of the municipality of Neebing, enacts as follows:—

1. This by-law shall affect the whole of the said municipality of Neebing.

2. That by way of bonus as aforesaid from the municipality of Neebing, there is granted to the Port Arthur, Duluth and Western Railway Company the sum of fifteen thousand dollars, aid as hereinbefore recited; and that it shall be lawful for the reeve of the said municipality to raise by way of loan upon the security of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of fifteen thousand dollars, and to cause the same to be paid into the hands of the treasurer of the said municipality, for the purposes and with the objects above recited.

3. That it shall be lawful for the said reeve to cause any number of debentures to be made and issued for such sums of money as may be required either in currency or sterling money, not less than one hundred dollars Canadian currency or twenty pounds sterling each, and not exceeding in the whole the sum of fifteen thousand dollars, as in the preceding section mentioned, and the said debentures shall be sealed with the seal of the corporation of the municipality of Neebing, and be signed by the reeve and treasurer thereof.

4. That the said debentures shall be made payable in twenty years from the date of the issue thereof, either in currency or sterling in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

5. That the said debentures shall bear a rate not exceeding five per cent. per annum from the date thereof, which interest shall be payable half yearly on the first days of July and January in each year, at the place where the said debentures are made payable, in this Province, Great Britain or elsewhere, as aforesaid.

6. That during twenty years the currency on the debentures to be issued under the authority of this by-law, there shall be raised annually for the payment of interest on the said debentures the sum of seven hundred and fifty dollars, and for the payment of the said debentures the sum of five hundred and four dollars, being such sum (in settling which the rate of interest on investments has been estimated at not more than five per cent. per annum capitalized yearly) as will be sufficient with the estimated interest on the investment thereof to discharge the said debt when payable, making in all the sum of one thousand two hundred and fifty four dollars to be raised annually as aforesaid.

7. That such annual sum shall be raised and levied annually during the twenty years next after this by-law shall take effect, by a special rate sufficient therefor on all ratable property in the said municipality.

8. The said sum of fifteen thousand dollars when obtained shall be applied for the purposes above specified and according to the true intent and meaning of this by-law.

9. That the debentures to be issued hereunder shall contain a provision to the following effect: "This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable except by entry by the treasurer or his deputy in the debenture registry book of the said corporation, at his office in the said municipality."

10. That this by-law shall take effect on the first day of November, A.D. 1889.

11. That the votes of the electors (being the ratepayers entitled to vote on this by-law) of the said municipality of Neebing shall be taken by the clerk of the said municipality the returning officer in that behalf, on Tuesday, the 24th day of September, 1889, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, at the several undermentioned places in the said municipality, namely:—For the township or ward of Blake, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Crooks, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Pardee, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Paipoonge, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Neebing, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of McKellar, at Archibald McLaren's storehouse in the township of McKellar, by Mr. John Thomas Bethune.

12. That on Saturday, the 21st day of September, 1889, the reeve of the said municipality or the then head thereof, shall attend at the council chamber in the said township of Neebing, at twelve o'clock noon, to appoint two persons to attend at the final summing up of the votes by the clerk of the said municipality, and a person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

13. That the clerk of the council shall attend at the council chamber in the said township of Neebing, at twelve o'clock noon, on Wednesday, the 25th day of September, 1889, and sum up the number of votes given for and against the by-law.

Dated at the council chamber at Fort William, in the township of Neebing, in the municipality of Neebing, this 18th day of October, 1889.

(Sgd) JOHN McKELLAR,  
*Reeve.*

[SEAL]

(Sgd) JOHN R. BROWN,  
*Clerk.*





NO. 42.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting certain Railway By-Laws of the Municipality of Neebing.

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First Reading, 5th March, 1890.

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*(Reprinted as amended by Private Bills Committee.)*

(Private Bill.)

MR. CONNELL.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting certain Railway By-laws of the Municipality of Neebing.

**W**HEREAS the corporation of the municipality of Neebing, Preamble  
and the school board of the municipality, and over two-thirds of the ratepayers of the township of McKellar, in the said municipality of Neebing have, by their petitions, prayed that the agreement between the Canadian Pacific Railway Company and the said municipality of Neebing, bearing date the thirtieth day of September, A. D. 1889, together with the by-law of the said municipality of Neebing passed in pursuance thereof, being by-law number 101 (both of which instruments have been by vote of the ratepayers of the said township of McKellar, unanimously adopted) may be confirmed and legalized and declared to be binding upon all parties affected thereby; and whereas the corporation of the municipality of Neebing has by its petition represented that it is desirable to confirm a certain by-law heretofore passed by its council, affecting the Port Arthur, Duluth and Western Railway Company, and to confer additional powers upon the said municipality; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The agreement made and entered into between the Canadian Agreement with C. P. R. and by-law No. 101 confirmed. Pacific Railway Company and the corporation of the municipality of Neebing, bearing date the 30th day of September, A. D. 1889, which agreement is set out in schedule "A" appended to this Act, together with the by-law passed by the said municipality pursuant to the said agreement and numbered 101, which by-law is set out in full in schedule "B" appended to this Act are both and each of them is hereby confirmed and declared to be a good, valid and subsisting and binding contract and by-law respectively, both upon the corporations thereto, their respective successors and assigns respectively, as well as upon all the ratepayers and inhabitants of the said municipality and all other persons, firms, companies, boards or corporations mentioned or included therein or affected thereby

2. The by-law of the said corporation numbered 99, and intitled "A by-law for granting aid by way of a bonus to the Port Arthur, Duluth and Western Railway Company," and finally passed on the eighteenth day of October, 1889; and which by-law is set out in full in the schedule C appended to this Act, is hereby confirmed and declared to be a good, valid and subsisting by-law, and to be binding upon the said corpora- By-law 99 of the municipality of Neebing confirmed.

Proviso.

tion, its successors and assigns, and also upon the ratepayers and inhabitants of the said municipality, and all other persons interested therein, notwithstanding any want of substance or form, either in the by-law itself or in the time or manner of passing the same, and the debentures issued thereunder shall be absolutely valid and binding upon the said municipality according to the terms thereof. Provided, however, that the said debentures shall not be issued or sold or handed over to the said railway company unless and until the main line of the said railway shall have been built on or before the 1st day of July, 1891, through the said municipality to within 200 feet of the junction of Victoria Street and the township line between the townships of Neebing and Neebing additional and until after a resolution shall have been duly passed by the said council of the municipality of Neebing authorizing the same.

Preamble.

3. Whereas the by-laws in this section mentioned and referred to were submitted to the vote of the ratepayers according to the provisions of the Act in that behalf and were duly approved by the said ratepayers, but there not being a separate council for each of the said townships or wards of Neebing and McKellar doubts have arisen as whether the said by-laws are valid, and it is expedient to remove the said doubts. Be it therefore enacted as follows:—

By-law 96 confirmed.

(1) By-law numbered 96 of the corporation of the municipality of Neebing passed on the 18th day of September, 1889, granting a bonus of \$1,300 from the township of Neebing to Thomas Trotter Thompson, for the establishment of a foundry to be located in the said township is hereby declared valid.

By-law 95 to be submitted to ratepayers of township of McKellar.

(2) By-law numbered 95 of the corporation of the municipality of Neebing passed on the 18th day of September, 1889, granting a bonus of \$1,200 for the township of McKellar, to the said Thomas Trotter Thompson, for the establishment of the said foundry, is hereby declared valid, but the said by-law shall not take effect unless, and until the assent shall have been obtained thereto of the same number of the ratepayers in the said township of McKellar entitled to vote on such by-law as would be necessary to carry a by-law, granting a bonus in aid of a manufacture to be established within the said township, and the question to be submitted to the said ratepayers shall be, "Shall By-law No. 95 of the municipality of Neebing, passed on the 18th September, 1889, granting a bonus of \$1,200 from the township of McKellar, to Thomas Trotter Thomson, for the establishment of a foundry in the township of Neebing take effect." Notice of the time and place for taking poll on the said question shall be published and given, and all other proceedings connected therewith shall be taken and had in the same manner as nearly as may be as prescribed by sections 293 to 326 both inclusive of *The Municipal Act*.

## SCHEDULE "A."

*(Section 1.)*

This indenture, made in duplicate this thirtieth day of September, one thousand eight hundred and eighty-nine, between the Canadian Pacific Railway Company, hereinafter called "the company," of the first part: and the corporation of the municipality of Neebing, hereinafter called "the municipality," of the second part,

Witnesseth, that whereas by by-law number seventy-three of the corporation of the municipality of Neebing it was provided:—

"1. By way of bonus to the Canadian Pacific Railway Company from the township of McKellar, in the municipality of Neebing, the said municipality grants to the said railway company in aid of such railway the sum of \$120,000, and it shall be lawful for the reeve of the said municipality to raise by way of loan upon the security of the debentures hereinafter mentioned from any person or persons, or corporation or corporations who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of \$120,000, and to cause the same to be paid into the hands of the treasurer of the said municipality for the purposes and with the objects above recited.

"2. It shall be lawful for the said reeve to cause any number of debentures to be made and issued for such sums of money as may be required for the purposes of this by-law, either in currency or sterling money, not less than \$100 currency or £20 sterling each, and not exceeding in the whole the sum of \$120,000, as in the immediately preceding section mentioned, and that the said debentures shall be sealed with the seal of the corporation of the municipality of Neebing, and be signed by the reeve, being the head of the said corporation, and also by the clerk of the said municipality.

"3. The said debentures shall be made payable in twenty years from the date when this by-law shall take effect, either in currency or sterling in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

"4. The said debentures shall bear interest at the rate of six per cent. per annum from the date thereof, which interest shall be payable half-yearly, on the first days of September and March in each year, at the place where the said debentures shall be made payable in this Province, Great Britain or elsewhere."

And whereas by an Act of the Legislative Assembly of the Province of Ontario, an Act respecting the municipality of Neebing, the said by-law number seventy-three was declared valid, and it was therein provided that the said by-law should not take effect unless and until the council of the municipality of Neebing should pass a resolution in that behalf.

And whereas the said municipality has agreed to pass a resolution declaring that the said by-law shall take effect, and



to hand over the debentures to be issued under the said by-law upon the execution of this indenture by the company.

Now therefore this indenture witnesseth that the company agrees with the municipality in consideration of the said bonus of \$120,000, under the provisions of the said by-law, being delivered to the company hereunder that the principal works and workshops of the company in the vicinity of Thunder Bay which may be erected by the company during the time the company desires to continue to take the benefit of exemption and of the payment of taxes under the provisions hereof, will be located and erected within the township of McKellar in the said municipality.

2. The company further agrees with the municipality to take the said debentures at par in lieu of becoming purchasers, and paying the amount thereof into the hands of the treasurer of the municipality, and receiving the said amount from him in currency.

3. The company further agrees with the municipality that upon the receipt of the said debentures, that they will at once deposit the same with two trustees, one to be appointed by each of the parties hereto, and in case of a vacancy in the trusteeship the party appointing the original trustee whose place is vacant may appoint his successor. Such trustees may place said debentures in any Canadian Chartered Bank for safe keeping, and are to hold said debentures and coupons for the following purposes: To pay with the coupons overdue, or as they may become due, all assessments, rates, levies, and taxes for the past years and the present year upon the real and personal property of the company in the township of McKellar except (a) the real property of the company actually used and occupied by any other person or other corporation for the sole use and benefit of such other person or corporation by and with the consent and approval of the company while and during the period it is so actually used and occupied as aforesaid; (b) any vacant land of the company held for sale for speculative purposes by the company while the same is held for the purposes aforesaid.

4. Upon the passing of the by-law, which will exempt all the real and personal property of the company in the township of McKellar, except as aforesaid, from all municipal taxation for the period of ten years from the first day of December, eighteen hundred and eighty-nine, to cancel and deliver up to be destroyed debentures to the face value of \$60,000 with all their coupons not required for the purposes aforesaid.

5. To apply the coupons of the remaining \$60,000 debentures, or so much thereof as may be necessary to pay all school rates or taxes which may be assessed or levied upon the said property which is to be so exempt as aforesaid during the said period of ten years from the first of December, 1889.

6. If upon the expiration of the said ten years from the first day of December, 1889, the said real and personal property, with the exception aforesaid, be made exempt from municipal and school taxes for the period of ten years thereafter, then to cancel and deliver up to the municipality to be destroyed the balance of the debentures and their coupons not used for the purpose aforesaid.

7. If upon the expiration of the said first ten years after the first of December, 1889, the said real and personal property in the township of McKellar, except as aforesaid, is not made exempt from all municipal and school taxation for said period of ten years, then the said trustees are to apply so much of the said coupons and the said debentures of \$60,000 remaining in their hands to pay all of the said municipal and school rates and taxes upon the said real and personal property during the said period of ten years from the first day of December, 1899, as the same may become due, and upon the expiration of the said ten years from the first day of December, 1899, to cancel and deliver up to the municipality to be destroyed the balance of the said debentures and coupons which may not have been used or applied for the purpose of paying said taxes and rates as aforesaid.

In witness whereof the parties hereto have caused their respective seals to be affixed and the hands of their respective officers to be set.

Signed, sealed and executed in the presence of

THE CANADIAN PACIFIC RAILWAY COMPANY :

(Signed) W. C. VAN HORNE,  
*President.*

.....  
: SEAL :  
: .....

(Signed) G. DRINKWATER,  
*Secretary.*

THE CORPORATION OF THE MUNICIPALITY OF  
NEEBING :

(Signed) J. T. BETHUNE, *Reeve.*  
(Signed) THOS. T. THOMSON, (Signed) JNO. R. BROWN,  
as to the signatures of John *Clerk.*  
McKellar and Jno. R. Brown.

## SCHEDULE "B."

(Section 1.)

MUNICIPALITY OF NEEBING.

No. 101.

By-Law respecting a bonus of \$120,000 from the township of McKellar to the Canadian Pacific Railway Company.

Whereas by Act of the Legislative Assembly of the Province of Ontario, being chapter 66 of 52 Victoria, this municipality had certain powers conferred upon it with respect to railway companies; and whereas the said municipality of Neebing has entered into a contract with the Canadian Pacific Railway Company, bearing date the thirtieth day of December, A. D. 1889; and whereas in pursuance of said agreement the municipality has passed by-law number 97, exempting the real and personal property of the Canadian Pacific Railway Company

in the township of McKellar in this municipality, as hereinafter particularly set out, from all municipal taxation whatever for a period of ten years from the first day of December, A. D. 1889, intending to include thereby all school rates, and which said by-law when submitted to the ratepayers of the McKellar ward was carried unanimously; and whereas this municipality desires, in pursuance of said agreement, to pass this by-law exempting the aforesaid property in the township of McKellar aforesaid from all municipal taxation for a period of ten years from the first day of December, A. D. 1899; and whereas this municipality also desires, in pursuance of said agreement, and of the unanimously expressed wish of the ratepayers of the said township of McKellar, to pass this by-law exempting the said property in the said township of McKellar from all school rates or taxes for a period of twenty years from the first day of December, A. D. 1889, all of which aforesaid exemptions are given in lieu of the issuing of debentures for \$120,000 as agreed to be given by said agreement of the 30th day of September, A. D. 1889, by way of bonus to the Canadian Pacific Railway Company from the township of McKellar aforesaid.

Therefore the council of the corporation of the municipality of Neebing, enacts as follows:—

1. That all the real and personal property of the Canadian Pacific Railway Company in the township of McKellar shall, for a period of ten years from the first day of December, A. D. 1899, be exempted from all assessments, rates, levies and taxes which may accrue to the said municipality during the said period.

2. That all the real and personal property of the Canadian Pacific Railway Company in the township of McKellar shall, for a period of twenty years from the first day of December, A. D. 1889, be exempted from all school rates and taxes which may accrue to the said municipality during the said period, saving and excepting that the following property of the said company in the said township of McKellar shall not be included in either of the above exemptions, that is to say: (a) the real property of the company actually used or occupied by any other person or other corporation for the sole use and benefit of such other person or corporation by and with the consent and approval of the company while and during the period it is so actually used and occupied as aforesaid. (b) Any vacant land of the company held for sale for speculative purposes by the company while the same is held for the purposes aforesaid.

(Signed) JOHN MCKELLAR,  
*Reeve.*

(Signed) JOHN R. BROWN,  
*Clerk.*

Council Chamber,  
Fort William West,  
in the township of Neebing.  
31st January, 1890.

.....  
: SEAL :  
.....

## SCHEDULE C.

*(Section 2.)*

## MUNICIPALITY OF NEEBING.

## By-law No. 99.

A by-law for granting aid by way of bonus to the Port Arthur, Duluth and Western Railway Company.

Whereas the municipality of Neebing was organized by the Act 44 Victoria, chapter 43, and the said organization varied by the Act 49 Victoria, chapter 60, and the powers of the said municipality extended by the Act 52 Victoria, chapter 66; and whereas to promote the general interests of the said municipality it is expedient to grant aid by way of a bonus of fifteen thousand dollars to the Port Arthur, Duluth and Western Railway Company; and whereas it is necessary to raise by way of loan upon the credit of the whole of the said municipality, the sum of fifteen thousand dollars for the purpose of granting such aid by way of bonus, and in order thereto it will be necessary to issue debentures of the said municipality for the said sum of fifteen thousand dollars, payable as herein provided; and whereas it will be requisite to raise annually, during the term of twenty years, by special rate for paying the said debt and interest thereon, the sum of one thousand two hundred and fifty-four dollars; and whereas the amount of the whole ratable property of the said municipality, according to the last revised assessment roll, amounts to \$1,090,-866; and whereas the existing debenture debt of the said municipality is thirty-eight thousand dollars, whereof three thousand dollars is on debentures for school purposes, and thirty-five thousand dollars is on debentures issued by the municipality of Shuniah, while the municipality of Neebing was part thereof, and of which there is apportioned to the said municipality by the Act 51 Victoria, chapter 57, ten thousand five hundred dollars, making the said debt in reality thirteen thousand five hundred dollars, and no principal or interest is in arrears.

Therefore, the council of the corporation of the municipality of Neebing, enacts as follows:—

1. This by-law shall affect the whole of the said municipality of Neebing.

2. That by way of bonus as aforesaid from the municipality of Neebing, there is granted to the Port Arthur, Duluth and Western Railway Company the sum of fifteen thousand dollars, aid as hereinbefore recited; and that it shall be lawful for the reeve of the said municipality to raise by way of loan upon the security of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of fifteen thousand dollars, and to cause the same to be paid into the hands of the treasurer of the said municipality, for the purposes and with the objects above recited.

3. That it shall be lawful for the said reeve to cause any number of debentures to be made and issued for such sums of



money as may be required either in currency or sterling money, not less than one hundred dollars Canadian currency or twenty pounds sterling each, and not exceeding in the whole the sum of fifteen thousand dollars, as in the preceding section mentioned, and the said debentures shall be sealed with the seal of the corporation of the municipality of Neebing, and be signed by the reeve and treasurer thereof.

4. That the said debentures shall be made payable in twenty years from the date of the issue thereof, either in currency or sterling in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

5. That the said debentures shall bear a rate not exceeding five per cent. per annum from the date thereof, which interest shall be payable half yearly on the first days of July and January in each year, at the place where the said debentures are made payable, in this Province, Great Britain or elsewhere, as aforesaid.

6. That during twenty years the currency on the debentures to be issued under the authority of this by-law, there shall be raised annually for the payment of interest on the said debentures the sum of seven hundred and fifty dollars, and for the payment of the said debentures the sum of five hundred and four dollars, being such sum (in settling which the rate of interest on investments has been estimated at not more than five per cent. per annum capitalized yearly) as will be sufficient with the estimated interest on the investment thereof to discharge the said debt when payable, making in all the sum of one thousand two hundred and fifty four dollars to be raised annually as aforesaid.

7. That such annual sum shall be raised and levied annually during the twenty years next after this by-law shall take effect, by a special rate sufficient therefor on all ratable property in the said municipality.

8. The said sum of fifteen thousand dollars when obtained shall be applied for the purposes above specified and according to the true intent and meaning of this by-law.

9. That the debentures to be issued hereunder shall contain a provision to the following effect: "This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable except by entry by the treasurer or his deputy in the debenture registry book of the said corporation, at his office in the said municipality."

10. That this by-law shall take effect on the first day of November, A.D. 1889.

11. That the votes of the electors (being the ratepayers entitled to vote on this by-law) of the said municipality of Neebing shall be taken by the clerk of the said municipality the returning officer in that behalf, on Tuesday, the 24th day of September, 1889, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, at the several undermentioned places in the said municipality, namely:—For the township or ward of Blake, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Crooks, at the council



chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Pardee, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Paipoonge, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of Neebing, at the council chamber in the township of Neebing, by Mr. Harry D'Arcy Lee; for the township or ward of McKellar, at Archibald McLaren's storehouse in the township of McKellar, by Mr. John Thomas Bethune.

12. That on Saturday, the 21st day of September, 1889, the reeve of the said municipality or the then head thereof, shall attend at the council chamber in the said township of Neebing, at twelve o'clock noon, to appoint two persons to attend at the final summing up of the votes by the clerk of the said municipality, and a person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

13. That the clerk of the council shall attend at the council chamber in the said township of Neebing, at twelve o'clock noon, on Wednesday, the 25th day of September, 1889, and sum up the number of votes given for and against the by-law.

Dated at the council chamber at Fort William, in the township of Neebing, in the municipality of Neebing, this 18th day of October, 1889.

(Sgd) JOHN McKELLAR,  
*Reeve.*

[SEAL]

(Sgd) JOHN R. BROWN,  
*Clerk.*

4th Session, 6th Legislature, 53 Vic., 1890

BILL.

An Act respecting certain Railway By-Laws of the Municipality of Neebing.

First Reading,	5th March, 1890.
Second "	24th " 1890.

*(Reprinted as amended by Committee of the Whole House.)*

**(Private Bill.)**

Mr. DONNIE.

TORONTO:

PRINTED BY WARWICK & SOSS, 68 AND 70 FRONT ST. W.

An Act respecting certain Lands vested in the  
Rector of Christ's Church, Hamilton.

**W**HEREAS Peter Carrol, late of the city of Hamilton, de- Preamble.  
vised and bequeathed to the rector of Christ's church,  
in the city of Hamilton, and his successors as such rector for  
ever, lots numbers 16, 17, 18 and 19 on York street in the city  
5 of Hamilton, adjoining Burlington cemetery in said city, and  
he thereby directed that one-half of the yearly income, or pro-  
ceeds of said lands, should be a perquisite to such rector, and  
the other half should be distributed annually, by the rector,  
to the poor of the parish of said church; and whereas said lots  
10 are vacant, and productive of no revenue, and are unsaleable  
for general purposes, but, owing to their proximity to Burling-  
ton cemetery, can be sold for cemetery purposes, and the  
rector of Christ's church has petitioned for an Act to authorize  
the sale of said lands for cemetery purposes, the proceeds of  
15 such sale to be funded, and the income thereof to be divided  
as directed by the said will; and whereas it is expedient to  
grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
20 as follows:—

1. The rector of Christ's church aforesaid and his successors Rector of  
Christ church  
authorized to  
sell lands as  
burial lots.  
in office as such rector, are hereby authorized to lay out as a  
cemetery, lots numbers 16, 17, 18 and 19, on York street, in  
the city of Hamilton, adjoining Burlington cemetery in said  
25 city, and to sell and dispose of graves and cemetery lots therein  
for such prices as may be agreed upon, such graves and ceme-  
tery lots to be used only for burial sites, and the deeds thereof  
shall not require to be registered for any purpose whatever,  
and shall not be affected by any Registry Act, nor shall any  
30 mortgage, judgment or encumbrance subsist on any grave or  
cemetery lot so conveyed.

2. The proceeds of sales of graves and cemetery lots as afore- Application of  
proceeds of  
sales.  
said, shall be paid to the rector or his successors, as the case  
may be, who shall, after paying the charges connected with  
35 the laying out of the grounds for cemetery purposes, and  
charges of management and all incidental expenses, forthwith  
invest and keep invested, the net proceeds of such sales, in such  
securities as, from time to time, are approved of by the  
High Court of Justice for the Province of Ontario, for the in-  
40 vestment of trust funds, and the income derived from such  
investments, after deducting cost of management, shall, as to  
one-half thereof, be a perquisite to said rector and his successors  
in office, and the other half shall be distributed annually by

him or his successors in office, to the poor of the parish of Christ church aforesaid.

Annual state-  
ment to be  
submitted to  
vestry.

**3.** The rector and his successors in office, shall, at the Easter vestry meeting of said church in each year, submit to the vestry a statement in writing, showing the amount realized 5 from sales as aforesaid, and the securities upon which the funds are from time to time invested, and the net income derived therefrom.





BILL.

An Act respecting certain Lands vested in  
the Rector of Christ's Church, Hamilton.

First Reading,	1890.
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(Private Bill.)

Hon. J. M. GIBSON.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to facilitate the administration by the Synod  
of Huron, of certain trusts relating to St. Thomas  
Church, Dover East.

5 WHEREAS the undersigned synod of the diocese of Huron have by their petition set forth that Ann  
Smith, in her life time, of the town of Chatham, in the county  
of Kent, set apart lot number 12, in the 1st concession of the  
township of Dover East, in the said county of Kent, for the  
10 purpose of erecting and endowing the church hereinafter  
referred to, and of providing for the maintenance thereof, and  
for the support of the incumbent thereof, and to that end by  
deed, dated the 2nd day of June, A.D. 1847, did grant and  
convey the said lot, except five acres thereof which had been  
15 theretofore conveyed by her for the same object, unto the  
Right Reverend John Strachan, Lord Bishop of Toronto, upon  
trust to receive and accumulate by investment the rents and  
profits of the east half thereof, and, upon the happening of  
certain events, out of the proceeds of such accumulations to  
20 erect a church upon the said five acres, to be called St. Thomas  
Church, and thereafter to apply any surplus of the said accu-  
mulations, and the future income of the said east half of the  
said lot "for the purpose of keeping said church in repair, and  
"in making improvements thereof, and for the purpose of mak-  
25 "ing improvements upon the parcel of five acres around such  
"church" in such manner as the incumbent and churchward-  
ens for the time being should from time to time direct; and  
upon trust, to apply the income of the west half of the said  
lot to the support of the incumbent for the time being of the  
30 said church; and that the said church was erected accordingly  
in or about the year A.D. 1876; and that the said lot is now  
vested in the said synod who are now the duly constituted  
trustees under the said trust deed; and that the said church is  
at present in a proper state of repair; and that it may be  
35 desirable to erect a residence for the incumbent, on the said  
five acres, and it is doubtful whether the words of the said  
recited trust would cover such purpose; and that the income  
of the said east half of the said lot, has so increased by accu-  
mulation that the objects designated by the said recited trust  
40 thereof, even after providing for the erection of a residence for  
the incumbent as aforesaid do not exhaust the same, in con-  
sequence whereof there is a large and constantly increasing  
surplus in the hands of the said trustees, which is held by  
them in trust for the said church, but without adequate direc-  
45 tions as to the manner of application thereof, and that it is  
desirable and in the interest of the said church, that such sur-  
plus should be applied in the discretion of the said synod to  
the support of the incumbent of the said church; and by the

said petition, it is prayed that as well for the purpose of removing the said doubt and more fully declaring the scope and object of the said recited trust, as of aiding the said synod in the administration thereof, this Act may be passed; and whereas it is expedient to grant the prayer of the said 5 petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Erection of residence for incumbent authorized.

1. The erection of a residence for the incumbent of the said 10 church of St. Thomas, upon the said parcel of five acres is such an improvement of the said parcel as is contemplated by the said recited trust, and such residence may in the discretion of the said synod, and with the approbation of the incumbent and churchwardens, for the time being of the said church, 15 as directed by the said trust deed, be erected on the said parcel out of the income and accumulations of income of the said east half of the said lot.

Synod may apply surplus income to support of incumbent.

2. The said synod are hereby authorized and empowered, in their discretion, to apply such portion of the income and 20 accumulations of income of the said east half of the said lot, as may from time to time remain in their hands, after satisfying the expenses incidental to the execution of the said trust thereof, and the other objects and purposes designated by the said recited trust to or towards the support of the incumbent 25 for the time being of the said church.



## Bill, T.

An Act to facilitate the administration by the Synod of Hants, of certain trusts relating to St. Thomas Church, Dover

First Edition.  
1890.

(Private Bill).

MR. MEKEDITH.

TORONTO:  
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



## An Act respecting the Village of Campbellford.

WHEREAS the population of the village of Campbellford, <sup>Preamble</sup>  
in the county of Northumberland, is rapidly increasing,  
and owing to its situation and splendid water power, is likely  
to become a manufacturing centre; and whereas the council of  
5 the corporation of the said village, have by their petition,  
represented that the incorporation of said village as a town,  
would promote its future progress and prosperity, and that a  
portion of the township of Seymour should be included in said  
town; and whereas the said council have further prayed that  
10 a certain by-law of such village intituled "By-law No. 171 of  
the village of Campbellford, to authorize the issue of debentures  
to the amount of \$10,000," be validated and confirmed; and  
whereas the said council have further prayed for authority to  
appoint by by-law a joint commission for the management of  
15 the waterworks and electric light systems of said village, and  
it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

20 1. On and after the twenty-ninth day of December next, <sup>Incorporation</sup>  
after the passing of this Act, the said village of Campbellford <sup>as a town.</sup>  
shall be and is hereby constituted a corporation or body politic  
under the name of "The Corporation of the Town of Campbell-  
ford," and shall enjoy and have all the rights, powers and  
25 privileges enjoyed and exercised by incorporated towns in the  
Province of Ontario under the existing laws of the said prov-  
ince.

2. The said town of Campbellford shall comprise and con- <sup>Limits of town</sup>  
sist of the present village of Campbellford and that part of lot  
30 9 in the 5th concession of the said township of Seymour west of  
the river Trent; the north half of lot 8 in the 5th concession  
of the said township of Seymour; the south-west eighth of lot  
8 in the 7th concession of the said township of Seymour, and  
the remaining portions of the south halves of lots 11 and 12 in  
35 the 7th concession of the said township of Seymour, and that  
portion of lot 13 in the 7th concession of the said township  
lying between the travelled road running from Campbellford  
in a north-easterly direction along the eastern bank of the  
river Trent, and the said river Trent.

40 3. The provisions of *The Municipal Act* and any Act <sup>Municipal</sup>  
amending the same, relating to matters consequent upon the <sup>Act respecting</sup>  
formation of new municipal corporations, and the other pro-  
visions of *The Municipal Act*, shall, except so far as herein

otherwise provided, apply to the said corporation of the town of Campbellford in the same manner as if the village had been erected into a town under the provisions of the said acts.

Town to assume property and liabilities of village.

4. The property and assets of the said village of Campbellford shall belong to the town of Campbellford, and all the debts, liabilities and obligations of the said village of Campbellford shall be assumed and paid by the corporation of the said town of Campbellford, and the officers and servants of the said village of Campbellford, shall until superseded in or removed from office by the council of the said town, remain the officers and servants of the said town of Campbellford.

By-law No. 171 of village of Campbellford confirmed.

5. By-law number 171 of the said village of Campbellford, intituled "By-law No. 171 of the village of Campbellford to authorize the issue of debentures to the amount of \$10,000," and the debentures issued or to be issued thereunder, are hereby legalized, validated and confirmed, and made absolutely valid and binding on the said corporation of the said village of Campbellford and the ratepayers thereof; and the said by-law and debentures and all other by-laws of the said village authorizing the issue of debentures, and the debentures issued or to be issued thereunder, shall be absolutely valid and binding on the corporation of the said town of Campbellford and the ratepayers thereof.

Wards

6. The said town of Campbellford shall be divided into three wards, to be called respectively number 1, number 2, and number 3, wards, which said wards shall be as follows: ward number 1, all that portion of the said village of Campbellford on the east side of the river Trent, lying north of Bridge street in said village, except those portions of blocks L and P south of the Midland railway track; ward number 2, all that portion of the said village on the east side of the river Trent, south of the said Bridge street and the said excepted portions of blocks L and P north of said Bridge street; ward number 3, all that portion of the said village lying west of the said river Trent.

Council.

7. The council of the said town shall consist of a mayor, who shall be the head thereof, a reeve, and six councillors, two councillors being elected for each ward, and the said council and their successors in office shall have use, exercise, and enjoy all the powers and privileges vested by the municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils, except where otherwise provided by this Act.

Jurisdiction of county council over iron bridge not affected.

8. The exclusive jurisdiction of the council of the corporation of the united counties of Northumberland and Durham over the iron bridge crossing the river Trent, and connecting Bridge street with Rice street in said village, shall be in no way affected or interfered with by the passing of this Act; nor shall the duty of maintaining or keeping in repair the said bridge, devolve on the corporation of the town of Campbellford by reason of this Act.

Power to appoint joint commission to manage water-

9. The council of the corporation of the village of Campbellford shall have the power to appoint by by-law a joint commission for the management of the waterworks and electric

- light systems of said village, to consist of five members, of whom the head of the corporation shall *ex officio* be one, which commission shall have all the powers and duties conferred on commissioners by *The Municipal Waterworks Act* and *The Municipal Light and Heat Act*. Two of the commissioners first appointed or elected, shall retire from the commission each year, and they, or their successors, shall be nominated and elected for the following years at the same time and in the same manner as the mayor, reeve and councillors of said corporation.
10. Whenever it shall be deemed necessary by the council of the corporation, either of the village or town, of Campbellford, to further extend or improve the said electric light and waterworks systems, or either of them, it shall be lawful to pass a by-law, or by-laws, authorizing the issue of debentures to the amount required, covering a period of not more than thirty years, the assent of the electors thereto having been first obtained, in accordance with the provisions of the municipal law.
11. The several persons who shall be elected or appointed under this Act, shall take the declarations of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns.
12. At the first election of mayor, reeve, and councillors for the said town of Campbellford, the qualification of electors, and that of officers required to qualify, shall be the same as that required in villages by the municipal laws of Ontario.
13. The expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk, or other officer, of the said town of Campbellford, or otherwise, shall be borne by the said town, and paid by it to any party entitled thereto.
14. All by-laws and municipal regulations which are in force in the village of Campbellford, shall continue and be in force as if they had been passed by the corporation of the town of Campbellford, and shall extend to and have full effect within the limits of the town hereby incorporated, until repealed by the new corporation.
15. On the last Monday in December next after the passing of this Act, it shall be lawful for Daniel Kennedy, or the village clerk for the time being, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors, at the town hall, in the said town of Campbellford, at the hour of noon, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week next following the said nomination, and the returning officer, or chairman, shall at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

works and electric light.

Rev. Stat. c.

192.

Rev. Stat. c.

191.

Power to issue debentures for extension of electric light and waterworks.

Oaths of office and qualification.

Qualification at first election.

Expenses of Act.

By-laws continued.

Nomination for first election.

returning  
officer

**16.** The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the town is divided; and such returning officer and each of such deputy returning officers, so selected, holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers in towns, so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns. 10

Township  
clerk to fur-  
nish verified  
copy of town  
assessment  
roll.

**17.** The clerk of the said township of Seymour shall, on demand made on him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer, or chairman, with a certified copy of so much of the revised assessment roll for his said township for the year 1890 as may be required, to ascertain the names of the persons entitled to vote in each of the said wards at the said first election; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of the electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath. 15 20

Subsequent  
elections.  
Rev. stat. c.  
184.

**18.** All subsequent elections shall be held in the same manner as in towns incorporated under the provisions of *The 25*  
*Municipal Act* and amending Acts.





No. 45.

4th Session, 6th Legislature, 53 Vic., 1890

BILL.

An Act respecting the Village of Campbell-  
ford.

First Reading. 1890.

(Private Bill.)

Mr.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting the Village of Campbellford.

**W**HEREAS the council of the village of Campbellford, Preamble.  
have prayed that a certain by-law of such village intituled "By-law No. 171 of the village of Campbellford, to authorize the issue of debentures to the amount of \$10,000," be validated and confirmed; and whereas the said council have further prayed for authority to appoint by by-law a joint commission for the management of the waterworks and electric light systems of said village, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 171 of the said village of Campbellford, intituled "By-law No. 171 of the village of Campbellford to authorize the issue of debentures to the amount of \$10,000," and the debentures issued or to be issued thereunder, are hereby legalized, validated and confirmed, and made absolutely valid and binding on the said corporation of the said village of Campbellford and the ratepayers thereof; and the said by-law and debentures and all other by-laws of the said village authorizing the issue of debentures, and the debentures issued or to be issued thereunder, shall be absolutely valid and binding on the corporation of the said town of Campbellford and the ratepayers thereof. By-law No. 171 of village of Campbellford confirmed.

2. The council of the corporation of the village of Campbellford shall have the power to appoint by by-law a joint commission for the management of the waterworks and electric light systems of said village, to consist of five members, of whom the head of the corporation shall *ex officio* be one, which commission shall have all the powers and duties conferred on commissioners by *The Municipal Waterworks Act* and *The Municipal Light and Heat Act*. Two of the commissioners first appointed or elected, shall retire from the commission each year, and they, or their successors, shall be nominated and elected for the following years at the same time and in the same manner as the mayor, reeve and councillors of said corporation. Power to appoint joint commission to manage water works and electric light.

3. Whenever it shall be deemed necessary by the council of the corporation, either of the village or town, of Campbellford, to further extend or improve the said electric light and waterworks systems, or either of them, it shall be lawful to pass a by-law, or by-laws, authorizing the issue of debentures to the amount required, covering a period of not more than thirty Power to issue debentures for extension of electric light and water-works.

Rev. Stat. c.  
192.  
Rev. Stat. c.  
191.

years, the assent of the electors thereto having been first obtained, in accordance with the provisions of the municipal law.



No. 45.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Village of Campbell-  
ford.

First Reading, 19th February, 1890.

*(Reprinted as amended by Private Bills  
Committee).*

(Private Bill.)

MR. WILLOUGHBY.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



## An Act respecting the City of Toronto.

**W**HEREAS the corporation of the city of Toronto have by their petition prayed for special legislation in respect to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.—(1) The power conferred upon the corporation of the city of Toronto by section 13 of the Act passed in the 52nd year of Her Majesty's reign and chapter 73, to borrow, with the consent of the ratepayers, whatever sum may be required to enable the said corporation to acquire the ownership of the railways of the Toronto Street Railway and all real and personal property in connection with the working thereof at the expiration of the current term of the franchise of the said company, shall not be subject to the limitation of the borrowing powers of the said city contained in the first section of the Act passed in the 52nd year of Her Majesty's reign, chaptered 74, or to any limitation whatever; and the said corporation may also borrow, with the consent of the ratepayers, whatever sum may be required to manage and operate the said railway.
- (2) The word "ratepayers" in the said section shall mean ratepayers entitled to vote at municipal elections, and the said consent may be given by a vote upon a question to be submitted to the ratepayers without a by-law, and without specifying the sum to be borrowed.

2. The corporation of the city of Toronto may at 12 o'clock midnight on the 14th day of March, 1891, take possession of the railways of the Toronto Street Railway Company and of all real and personal property of the said company in connection with the working thereof, and the said company shall give the said corporation possession thereof, although the value of the said railways and real and personal property may not then have been ascertained by arbitration as provided for in the 18th resolution recited in the agreement of the 26th day of March, 1861, between the corporation of the city of Toronto and Alexander Easton, which agreement is printed as schedule "A" hereto.

3. The agreement between the corporation of the city of Toronto and the Toronto Street Railway Company, made on the 19th day of January, 1889, and which is printed as schedule "B" hereto, is hereby confirmed; and all Acts and parts of Acts of the Legislature of this Province inconsistent therewith are hereby repealed.

4. By-law number of the corporation of the city of Toronto (which is printed as schedule "C", hereto) is hereby validated and confirmed as if the same had been passed on the 7th day of May, 1888.

Preamble.

Corporation may borrow sums necessary to purchase and operate street railway.

Corporation may take possession of street railway at expiration of current term.

Agreement of 19th January, 1889, confirmed.

By law No. confirmed.

Construction  
of plank side-  
walks as local  
improvements

5. Notwithstanding anything contained in section 612 of *The Municipal Act*, or in any by-law of the corporation of the city of Toronto, the city engineer of the said city may construct and lay down a plank sidewalk on any street or thoroughfare of the said city as a local improvement, and the cost thereof may be assessed against and upon the properties abutting thereon, if such sidewalk is, in the opinion of the said city engineer and of two-thirds of the members present at any meeting of the city council thereof, desirable in the public interest. 10

## SCHEDULE A.

### (Section 2.)

" Articles of agreement had, made and concluded this twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, between the corporation of the city of Toronto of the first part, and Alexander Easton of the village of Yorkville, of the second part :

" Whereas divers inhabitants of the city of Toronto have petitioned the common council of the city of Toronto to sanction the construction of street railways in, along and upon the streets of the said city, and the said party of the second part hath proposed to construct and operate such street railways upon the streets hereinafter mentioned, and the said common council did on the fourteenth day of the present month of March, accept such proposals by the following resolutions : 25

" First, that Alexander Easton be authorized to lay down street railways of approved construction on any of the streets of this city, such railways being of approved construction, and worked under such regulations as may be necessary for the protection of the citizens : 30

" Second, all works necessary for constructing and laying down the several railway tracks shall be made in a substantial manner, according to the best modern practice, under the supervision of the city surveyor or such other officer as the council shall appoint for this purpose, and to the satisfaction of the council : 35

" Third, the roadway between and within at least one foot six inches from and outside of each rail shall be paved or macadamized and kept constantly in good repair by the said Easton, who shall also be bound to construct and keep in good repair crossings of a similar character to those adopted by the corporation within the limits aforesaid, at the intersection of every such railway track and cross street : 40

" Fourth, the tracks shall conform to the grades of the various streets through which they will run, as furnished by the city surveyor or such other officer as aforesaid, and shall not in any way change or alter the same : 45

" Fifth, the location of the line of railway in any of the streets shall not be made until the plans thereof, shewing the position of the rails and other works in each street, shall have been submitted to and approved of by the city surveyor, or such other officer as aforesaid : 50

"Sixth, the city authorities shall have the right to take up the streets traversed by the rails either for the purpose of altering the grades thereof, constructing or repairing drains, or for laying down or repairing water or gas pipes, and for all other purposes within the province and privileges of the corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or to the works connected therewith :

"Seventh, the rail to be employed for the said railway shall be the flat rail, such as is now used in the city of Philadelphia, with such modifications as the council, on the recommendation of the city surveyor or other officer as aforesaid, may decide to adopt, and the cars shall be constructed in the most modern style :

"Eighth, the railway shall not be opened to the public nor put in operation until the sanction of the council has been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the city surveyor, or other officer especially appointed for that purpose, declaring the said road to be in good condition and constructed conformably to the conditions prescribed by the agreement on that behalf :

"Ninth, each car employed on the railway shall be numbered, and none shall be used, unless under a license for that purpose, for which license the said proprietor shall pay the annual sum of five dollars :

"Tenth, the cars shall be run over the whole of the tracks herein-mentioned at least sixteen hours in summer and fourteen hours in winter on each day, and at intervals of not less than thirty minutes ; and no car shall run on Sundays :

"Eleventh, the speed of the cars shall never exceed six miles per hour :

"Twelfth, the conductors shall announce to the passengers the names of the streets and public squares as the cars reach them :

"Thirteenth, the cars shall be used exclusively for the conveyance of passengers :

"Fourteenth, when the accumulation of snow or ice on the roadway shall be such as to impede the traffic, every means shall be used to clear the track, and while impeded sufficient sleighs shall be provided for the accommodation of the public :

"Fifteenth, no higher rate than five cents shall be charged for the conveyance of each passenger on the line :

"Sixteenth, the proprietor or proprietors shall be liable for all damages arising out of the construction or operation of the railways :

"Seventeenth, should the proprietor neglect to keep the track or the roadway or crossings between and on each side of the rails in good condition, or to have the necessary repairs made therein, the city surveyor or other proper officer shall give notice thereof requiring such repairs to be made forthwith, and if not made within a reasonable time, the said surveyor or other officer as aforesaid shall cause the repairs to be made, and the amount so expended may be recovered against the said proprietors in any court of competent jurisdiction :

" Eighteenth, the privilege granted by the present agreement shall extend over a period of thirty years from this date, but at the expiration thereof the corporation may, after giving six month's notice prior to the expiration of the said term of their intention, assume the ownership of the railway and all real and personal property in connection with the working thereof, on payment of their value, to be determined by arbitration, and in case the corporation should fail in exercising the right of assuming the ownership of the said railway, at the expiration of thirty years as aforesaid, the corporation may, at the expiration of every five years to elapse after the first thirty years exercise the same right of assuming the ownership of the said railway, and of all real and personal estate thereunto appertaining, after one year's notice, to be given within the twelve months immediately preceding the expiration of every fifth year as aforesaid, and on payment of their value to be determined by arbitration :

" Nineteenth, should the proprietors at any time give up the railway or cease to exercise the privilege hereby granted to them for a period of six months they shall forfeit the entire property, including the rails, cars, &c., to the benefit of the corporation :

" Twentieth, the agreement to be made hereunder shall only have effect after the legislation necessary for legalizing the same, shall have been obtained :

" Twenty-first, the rails shall be laid down on Queen street from Yonge street to the asylum ; on King street from the river don to Bathurst street, and on Yonge street from King street to Bloor street :

" Twenty-second, the track on Yonge street shall be completed and equipped within twelve months from the date of the Act authorizing the same, and the tracks on King and Queen streets shall be constructed and fully equipped within two years from the same time :

" Twenty-third, if within four months after the passing of the Act, the proprietor should fail to proceed with the works in such manner as to satisfy the city surveyor or other proper officer appointed by the corporation, that they will be completed within the stipulated time, the corporation may give fourteen days' notice of its intention to annul the privileges hereby granted, and if the works are not then proceeded with in a satisfactory manner, the corporation may by resolution annul the said privileges accordingly :

" Twenty-fourth, in the event of any other parties proposing to construct railways on any of the streets not occupied by the party to whom the privilege is now to be granted, the nature of the proposals thus made shall be communicated to him, and the option of constructing such proposed railway on similar conditions as are herein stipulated, shall be offered, but if such preference is not accepted within one month, then the corporation may grant the privilege to any other parties.

" Now these presents witness, that the said parties of the first part, in consideration of the amounts to be paid to them by the said party of the second part, his executors, administrators, and assigns, by and under the said resolutions, and these presents, and of the covenants and agreements therein on his



part and behalf to be kept and performed, do hereby give and grant unto the said party of the second part, his executors, administrators and assigns, the exclusive right and privilege to construct, maintain and operate street railways by single or double tracks with all necessary turn-outs, side-tracks, and switches, in, along, and upon King street, Queen street, and Yonge street in the said city, together with the right to the use of the tracks of the said railways as against all other vehicles whatsoever, for the said term of thirty years upon the conditions, and subject to all the payments, regulations, provisions, and stipulations in the said above recited resolutions and these presents expressed and contained, and the said parties of the first part covenant with the said party of the second part, his executors, administrators and assigns :

"First, that when and so often as it may be necessary for them, the said parties of the first part, to open any of the streets as stipulated in the sixth resolution above recited, a reasonable notice shall be given to the said party of the second part, of their intention so to do, and the work thereon shall not be unnecessarily delayed, but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof :

"Second, that there shall be no unnecessary delay on the part of the said parties of the first part and their officer and officers, in the granting of any certificate required by any of the said resolutions, but the said parties of the first part, and their officer and officers, shall and will in all things so far as is consistent with their duty, aid and assist the said party of the second part in carrying out this agreement :

"Third, that the time limited in the twenty-third resolution shall apply to the construction of the railway on Yonge street, and that the restrictions therein contained, so far as the same applies to the railways on King and Queen streets, shall be extended to the first day of June in the year of our Lord one thousand eight hundred and sixty-two :

"Fourth, that the said party of the second part, his executors, administrators and assigns, paying the license fees as provided in the ninth resolution, and performing and fulfilling all the conditions, stipulations, restrictions and covenants in the said resolutions and in these presents contained, shall and may, peaceably and quietly have, hold and enjoy the rights and privileges hereby granted, without any let or hindrance or trouble of or by the said parties of the first part, or any person or persons on their behalf :

"And lastly, that as soon as the necessary power required to sanction this agreement be granted by the Legislature of the Province, and the parties of the first part are legally authorized so to do, they will without delay pass a By-law framed in accordance with the said resolutions.

"And the said party of the second part doth hereby for himself, his heirs, executors and administrators, covenant, promise and agree to and with the said parties of the first part, their successors and assigns in manner following, that is to say :

"First, that he will construct, maintain and operate the said railways within the times, in the manner and upon the conditions in the said resolutions, and these presents set forth :



"Second, that he will well and truly pay the said license fees and will truly and faithfully perform, fulfil and keep all the conditions covenants and agreements in the said resolutions and these presents expressed and contained on his or their part to be performed, fulfilled and kept :

"Third, that before breaking up, opening or interfering with any of the said streets, for the purpose of constructing the said railways, he will give or cause to be given to the city surveyor or other proper officer of the said parties of the first part, at least ten days' notice of his intention so to do, and that no more than twenty-six hundred feet of the said streets shall be broken up or opened at any one time, and that when the work thereon shall have been commenced the same shall be proceeded with steadily and without intermission and as rapidly as the same can be carried on, due regard being had to the proper and efficient construction of the same :

"Fourth, that during the construction of the said railways, due and proper care shall be taken to leave sufficient space and crossings so that the traffic and travel on the said streets and other streets running at right angles thereto shall not be unnecessarily impeded, and that the watercourses of the said streets shall be left free and unobstructed, and lights, barriers or watchmen provided and kept by the said party of the second part, when and where required to prevent accidents to the public :

"Fifth, that the gauge of the said railways shall be such that the ordinary vehicles now in use may travel on the said tracks, and that it shall and may be lawful to and for all and every person and persons whatsoever to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the party of the second part, running thereon, and subject at all times to the right of the said party of the second part, his executors, administrators and assigns, to keep the said tracks with his and their cars, when meeting or overtaking any other vehicle thereon :

Sixth, that the said party of the second part, his heirs, executors or administrators, shall and will at all times employ careful, sober and civil agents, conductors and drivers, to take charge of the cars upon the said railways, and that he the said party of the second part, his heirs, executors, and administrators, and his and their agents, conductors, drivers, and servants, shall and will from time to time, and at all times during the continuance of this grant, and the exercise by him or them of the rights and privileges hereby conferred, operate the said railways, and cause the same to be worked under such regulations as the common council of the city of Toronto may deem necessary and requisite for the protection of the persons and property of the public, and provided such regulations shall not infringe upon the privilege granted by the said resolution :

"Seventh, that no higher fare than five cents shall be charged or extracted from or upon any passenger using the car or cars of the said party of the second part, from the St. Lawrence Hall, in King street, either to Yorkville or the asylum, but he or she shall be entitled to travel in the said car or cars either of the said distances for one fare only :

"And lastly, that all the works to be done under the said resolutions, and these presents, and the rights and privileges to be used thereunder shall be done and used to the satisfaction of the common council of the city of Toronto, or the city surveyor or other officer to be by them appointed for the purpose: provided, however, that if the said party of the second part be delayed by the order and injunction of any court, except the same be granted on the default or negligence of the said party of the second part, then the time of such delay shall be excluded from the operation of this agreement and such time in addition to the periods prescribed in the said resolutions shall be allowed for the completion of the said railway, and also that it is the intent and meaning of the nineteenth resolution above recited, that the forfeiture therein mentioned shall attach in case the said party of the second part fails to build and operate any one of the three lines of railway; it being the clear understanding of the said party of the second part, that the privileges hereby conferred were to insure the completion and working of three lines of railway, and in case of failure in any one the absolute forfeiture of what has been constructed and of the plant belonging thereto shall take place under the said resolution and agreement; and provided further that this agreement and the matters and things herein contained shall only take effect after the legislation necessary for legalizing the same, shall have been obtained."

## SCHEDULE B.

### (Section 3.)

Agreement made this nineteenth day of January, A.D. 1889, between The Corporation of the City of Toronto, hereinafter called "the City," of the first part, and The Toronto Street Railway Company, hereinafter called "the Company," of the second part.

All matters in issue in the several actions which were pending between the city and the company on December 31st, 1888, and all claims made therein by the company upon the city, and *vice versa* up to said date are hereby settled on the following basis:

1. The company is to pay the city forthwith the amount of the company's debenture accounts for 1887 (\$17,095.36), with interest at five per cent. from December 31st, 1887, and for 1888 (\$22,373.56), with interest at five per cent. from September 10th, 1888, to date of payment.

2. From December 31st, 1888, the company is to pay the city in lieu of all claims on account of debentures maturing after that date, and in lieu of the company's liability for construction, renewal, maintenance and repair in respect of all the portions of streets occupied by the company's tracks, at the rate of \$600 per mile of single track (or \$1,200 per mile of double track) per annum, so long as the franchise of the company to use the said streets, or any of them, now extends; such sum to be paid quarterly on January 1st, April 1st, July 1st and October the 1st in each year, in respect of the three

months immediately preceding the said dates respectively, the first of such quarterly payments to be made on the first of April, 1889, and if there be a broken quarter, then at the same rate for such broken quarter on the last day thereof.

3. The mileage of tracks in respect of which each quarterly payment is to be made is to be ascertained, determined and certified quarterly by two engineers appointed therefor, one by the city and the other by the company, and, in case they disagree, then by an engineer to be appointed by the two so appointed, or by a judge of the High Court of Justice, on the application of either party.

4. The said payments shall be accepted by the city in full satisfaction and discharge of all claims upon the company in respect of the construction, renewal, maintenance and repair of all the aforesaid portions of the said streets, and also in respect of all claims by the city upon the company for damages and costs suffered or paid by the city by reason of the non-construction, or non-repair thereof by the company; and hereafter the city shall undertake the construction, renewal, maintenance and repair of all the aforesaid portions of the said streets, but not of the company's tracks, tie and stringers.

5. As between the company and the city, the city shall have the sole right in every case from time to time to determine the kind of road-bed or road-beds, pavement or pavements (if any) to be laid down, constructed or maintained upon the said streets or upon the portions thereof occupied and used by the company, and the manner in which the same shall be constructed; and the liability of the city to the company in respect of the construction, renewal, repair and maintenance of roads shall be as defined by section 531 of *The Municipal Act*, save that the city shall be bound to indemnify the company against any damages or costs which the company may have to pay to third parties by reason exclusively of neglect on the part of the city to repair or to keep in repair the portions of the streets aforesaid.

6. The city is to do the aforesaid work of construction, renewal, maintenance and repair with reasonable dispatch, so that the company's traffic may not be unreasonably interrupted, and in case it is not necessary to remove the said tracks, ties or stringers, due care shall be exercised so that no unnecessary damage may be done thereto; and in any case the company may itself do the work of removal of the tracks, ties or stringers, should it be necessary in the opinion of the engineers (to be appointed as in the third paragraph hereof), that the said ties, stringers and tracks should be removed, in order to the proper performance or execution of any of said works.

7. In case it may be necessary at any time to take up any of the said road-beds occupied by the company's tracks, or any portion thereof, to allow the company to lay down tracks thereon, or to renew, replace or repair tracks, ties or stringers, the company shall give ten days' notice in writing to the city engineer of their desire to have such road-beds taken up, specifying therein the portion of the road-beds so to be taken up, and the time which will be required for constructing, repairing or renewing their tracks, ties and stringers, and the city engineer shall thereupon have the said road-beds taken up, and the same shall be re-laid by the city in as good a condition as



before, and the expense of such taking up and of the re-laying of the same in as good condition as before shall be ascertained and certified by the city engineer, and the amount so certified shall be a debt from the company to the city, payable forthwith on demand or recoverable with costs by action in any court of competent jurisdiction.

8. The company shall prosecute the work of laying such tracks or of renewing and replacing such tracks, ties or stringers with all reasonable dispatch, and in case the same is not proceeded with and completed within the time specified in the original notice, or within such further time as the city engineer may by writing under his hand allow, the city may replace or relay the said road-beds, and the expense of the taking up and relaying thereof shall be ascertainable and recoverable from the company as in the last section mentioned.

9. In cases where it becomes necessary for the continuance of the company's traffic from the sinking or spreading of the ties or tracks of the company, or from any other like cause temporarily affecting small portions of the company's track (not exceeding, in any one case, 50 feet in length) that the same should be immediately repaired, the city engineer may dispense with the ten days' notice required by section 7 and may allow the company to make the necessary repairs thereto at its own expense, but such repairs must be made under the supervision and control of the city engineer and subject to his approval and the men employed upon the work shall be subject to his orders, and the company hereby agrees to indemnify the city against any claims for damages which may be made upon the city by reason of anything happening during and by reason of such repairs.

10. In case the council authorizes the construction of new lines of track upon any street or streets, the company shall, at its own expense, under the direction, supervision and control of the city engineer, take up so much of the road-bed or pavement on said streets as the city engineer may consider necessary for the purpose of such construction, and in such manner and in such sections and portions as he may direct; such taking up of road-bed to be begun at a time to be specified in a ten days' notice, to be given in writing to the said city engineer, and to be continuously carried on as he may direct; and the men employed upon the work shall be under the orders of the said city engineer. The relaying of the said road-beds or pavements, in as good condition as before, shall be done by the city at the company's expense, and the cost thereof shall be ascertained and certified by the city engineer, and the amount so certified shall be a debt from the company to the city, payable forthwith on demand, or recoverable with costs by action in any court of competent jurisdiction. The provisions of section 8 shall apply in case of the construction of new lines of track as aforesaid.

11. This agreement is not to affect the rights of either party in respect of any of the matters referred to in the 18th resolution set out in by-law 353 of the city of Toronto, or of any question arising out of the same, nor in respect of any matter not herein specifically dealt with, nor shall this agreement have any operation beyond the period over which the aforesaid franchise now extends.

12. In consideration of the foregoing, it is further agreed that all claims by the city against the company in respect of the construction or renewal of roadways, repairs of roadways and damages by reason of non-repair thereof up to the date of this agreement, shall be abandoned; and that all action pending on 31st December, 1888, between the city and the company shall be forthwith dismissed by the respective plaintiffs therein without costs.

13. The company is to abandon all claims of every nature against the city up to the date of this agreement.

As witness, the corporate seal of the said city, and the hands of the mayor and treasurer thereof, and the corporate seal of the said company, and the hand of the president thereof, the day and year first above written.

E. F. CLARKE,  
*Mayor.*

R. T. COADY,  
*Treasurer.*

[L.S. City of Toronto.]

FRANK SMITH,  
*President.*

JAMES GUNN,  
*Secretary.*

[L.S. Toronto Street Railway Company.]

## SCHEDULE C.

(Section 4.)

No. . . A BY-LAW,

*To explain and amend By-law 2,005 respecting the Don Improvement.*

Passed

1890.

Whereas by by-law 2,005 of this corporation, passed on the 7th day of May, 1888, it was recited that it had been ascertained that the land expropriated by by-laws 1,774 and 1,803, for the purpose of the Don improvement, was more than was necessarily required for the purpose of said improvement, and that the cost of the said improvement might be reduced by reducing the area of land so taken, and that it was expedient to repeal by-laws 1,774 and 1,803 to the extent of the extra lands thereby taken and now no longer required for said improvement, and to enact in lieu thereof a new by-law taking a less quantity of land; and whereas the enacting part of the said by-law differs from said recital, and it is expedient to amend the same in order to conform thereto and to the intention of this council in the passing thereof;

Therefore the municipal council of the corporation of the city of Toronto enacts as follows:—

1. Section 1 of by-law 2,005 is hereby amended by inserting in the last line thereof, after the word "repealed," the words "so far as the same affects lands not hereinafter described."

2. The said amendment shall be read as if the same had been made at the date of the passing of said by-law 2,005.





No. 46.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the City of Toronto.

First Reading, 1890.

(Private Bill).

MR. E. F. CLARKE.

TORONTO:

PRINTED BY WARRIOR & SONS, 68 and 70 FRONT ST. W.

## An Act respecting the City of Toronto.

**W**HEREAS the corporation of the city of Toronto have by **Preamble.**  
 their petition prayed for special legislation in respect  
 to the several matters hereinafter set forth; and whereas it is  
 expédient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

**1.—(1)** The power conferred upon the corporation of the city  
 of Toronto by section 13 of the Act passed in the 52nd year of **Corporation**  
 Her Majesty's reign and chapter 73, to borrow, with the con- **may borrow**  
 sent of the ratepayers, whatever sum may be required to **sums neces-**  
 enable the said corporation to acquire the ownership of the **sary to pur-**  
 railways of the Toronto Street Railway and all real and per- **chase and**  
 sonal property in connection with the working thereof at the **operate street**  
 expiration of the current term of the franchise of the said **railway.**  
 company, shall not be subject to the limitation of the borrow-  
 ing powers of the said city contained in the first section of the  
 Act passed in the 52nd year of Her Majesty's reign, chaptered  
 74, or to any limitation whatever; and the said corporation  
 may also borrow, with the consent of the ratepayers, whatever  
 sum may be required to manage and operate the said railway.

**(2)** The word "ratepayers" in the said section shall mean  
 ratepayers entitled to vote at municipal elections, and the said  
 consent may be given by a vote upon a question to be sub-  
 mitted to the ratepayers without a by-law, and without speci-  
 fying the sum to be borrowed ~~and~~ and such vote shall be  
 taken before any application is made for an order for pos-  
 session as hereinafter provided. ~~and~~

**2.—(1)** The corporation of the city of Toronto may at **Corporation**  
 once proceed to arbitrate under the 18th Resolution recited in **may take pos-**  
 the agreement of the 26th of March, 1861, printed as schedule **session of**  
 A hereto, and the said city of Toronto and the Toronto **street railway**  
 Street Railway Company shall in every reasonable way facili- **at expiration**  
 tate such arbitration. The arbitrator or arbitrators to be **of current**  
 named shall proceed so as if possible to make the award not **term.**  
 later than the 13th of March, 1891. If, from any cause, the  
 award shall not be made in time, or if either party be dis-  
 satisfied with such award the said the corporation of the city  
 of Toronto shall nevertheless be at liberty to take possession  
 of the said Toronto Street Railway and all the property and  
 effects thereof real and personal on paying into court either  
 the amount of such award, if the award be made, or, if not,  
 upon paying into court *or to the company* such sum of money  
 as a Judge of the High Court of Justice, Chancery Division,  
 may order, on notice given to the said Toronto Street Rail-

way Company. It is provided always that this section shall not be construed to affect the rights of the parties in any way under the said agreement save as herein provided.

(2) Nothing in this Act contained shall affect the rights of the holders of the debentures heretofore issued under the Act of this Legislature, 47 Victoria, chapter 77, but in the event of the corporation of the city of Toronto taking such possession, such debentures shall be and continue a first charge upon the said railway and property as declared by that Act whether the same are retained by the corporation of the city of Toronto or are sold or leased by them to any other persons or company.

Agreement of  
19th January,  
1889, con-  
firmed.

3. The agreement between the corporation of the city of Toronto and the Toronto Street Railway Company, made on the 19th day of January, 1889, and which is printed as schedule "B" hereto, is hereby confirmed; and all Acts and parts of Acts of the Legislature of this Province inconsistent therewith are hereby repealed.

By law No.  
confirmed.

4. By-law number 2491 of the corporation of the city of Toronto (which is printed as schedule "C", hereto) is hereby validated and confirmed as if the same had been passed on the 7th day of May, 1888.

## SCHEDULE A.

### (Section 2.)

"Articles of agreement had, made and concluded this twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, between the corporation of the city of Toronto of the first part, and Alexander Easton of the village of Yorkville, of the second part:

"Whereas divers inhabitants of the city of Toronto have petitioned the common council of the city of Toronto to sanction the construction of street railways in, along and upon the streets of the said city, and the said party of the second part hath proposed to construct and operate such street railways upon the streets hereinafter mentioned, and the said common council did on the fourteenth day of the present month of March, accept such proposals by the following resolutions:

"First, that Alexander Easton be authorized to lay down street railways of approved construction on any of the streets of this city, such railways being of approved construction, and worked under such regulations as may be necessary for the protection of the citizens:

"Second, all works necessary for constructing and laying down the several railway tracks shall be made in a substantial manner, according to the best modern practice, under the supervision of the city surveyor or such other officer as the council shall appoint for this purpose, and to the satisfaction of the council:

"Third, the roadway between and within at least one foot six inches from and outside of each rail shall be paved or

macadamized and kept constantly in good repair by the said Easton, who shall also be bound to construct and keep in good repair crossings of a similar character to those adopted by the corporation within the limits aforesaid, at the intersection of every such railway track and cross street :

“Fourth, the tracks shall conform to the grades of the various streets through which they will run, as furnished by the city surveyor or such other officer as aforesaid, and shall not in any way change or alter the same :

“Fifth, the location of the line of railway in any of the streets shall not be made until the plans thereof, shewing the position of the rails and other works in each street, shall have been submitted to and approved of by the city surveyor, or such other officer as aforesaid :

“Sixth, the city authorities shall have the right to take up the streets traversed by the rails either for the purpose of altering the grades thereof, constructing or repairing drains, or for laying down or repairing water or gas pipes, and for all other purposes within the province and privileges of the corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or to the works connected therewith :

“Seventh, the rail to be employed for the said railway shall be the flat rail, such as is now used in the city of Philadelphia, with such modifications as the council, on the recommendation of the city surveyor or other officer as aforesaid, may decide to adopt, and the cars shall be constructed in the most modern style :

“Eighth, the railway shall not be opened to the public nor put in operation until the sanction of the council has been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the city surveyor, or other officer especially appointed for that purpose, declaring the said road to be in good condition and constructed conformably to the conditions prescribed by the agreement on that behalf :

“Ninth, each car employed on the railway shall be numbered, and none shall be used, unless under a license for that purpose, for which license the said proprietor shall pay the annual sum of five dollars :

“Tenth, the cars shall be run over the whole of the tracks herein-mentioned at least sixteen hours in summer and fourteen hours in winter on each day, and at intervals of not less than thirty minutes ; and no car shall run on Sundays :

“Eleventh, the speed of the cars shall never exceed six miles per hour :

“Twelfth, the conductors shall announce to the passengers the names of the streets and public squares as the cars reach them :

“Thirteenth, the cars shall be used exclusively for the conveyance of passengers :

“Fourteenth, when the accumulation of snow or ice on the roadway shall be such as to impede the traffic, every means shall be used to clear the track, and while impeded sufficient sleighs shall be provided for the accommodation of the public :



"Fifteenth, no higher rate than five cents shall be charged for the conveyance of each passenger on the line :

"Sixteenth, the proprietor or proprietors shall be liable for all damages arising out of the construction or operation of the railways :

"Seventeenth, should the proprietor neglect to keep the track or the roadway or crossings between and on each side of the rails in good condition, or to have the necessary repairs made therein, the city surveyor or other proper officer shall give notice thereof requiring such repairs to be made forthwith, and if not made within a reasonable time, the said surveyor or other officer as aforesaid shall cause the repairs to be made, and the amount so expended may be recovered against the said proprietors in any court of competent jurisdiction

"Eighteenth, the privilege granted by the present agreement shall extend over a period of thirty years from this date, but at the expiration thereof the corporation may, after giving six month's notice prior to the expiration of the said term of their intention, assume the ownership of the railway and all real and personal property in connection with the working thereof, on payment of their value, to be determined by arbitration, and in case the corporation should fail in exercising the right of assuming the ownership of the said railway, at the expiration of thirty years as aforesaid, the corporation may, at the expiration of every five years to elapse after the first thirty years exercise the same right of assuming the ownership of the said railway, and of all real and personal estate thereunto appertaining, after one year's notice, to be given within the twelve months immediately preceding the expiration of every fifth year as aforesaid, and on payment of their value to be determined by arbitration :

"Nineteenth, should the proprietors at any time give up the railway or cease to exercise the privilege hereby granted to them for a period of six months they shall forfeit the entire property, including the rails, cars, &c., to the benefit of the corporation :

"Twentieth, the agreement to be made hereunder shall only have effect after the legislation necessary for legalizing the same, shall have been obtained :

"Twenty-first, the rails shall be laid down on Queen street from Yonge street to the asylum ; on King street from the river don to Bathurst street, and on Yonge street from King street to Bloor street :

"Twenty-second, the track on Yonge street shall be completed and equipped within twelve months from the date of the Act authorizing the same, and the tracks on King and Queen streets shall be constructed and fully equipped within two years from the same time :

"Twenty-third, if within four months after the passing of the Act, the proprietor should fail to proceed with the works in such manner as to satisfy the city surveyor or other proper officer appointed by the corporation, that they will be completed within the stipulated time, the corporation may give fourteen days' notice of its intention to annul the privileges hereby granted, and if the works are not then proceeded with in a satisfactory manner, the corporation may by resolution annul the said privileges accordingly :

"Twenty-fourth, in the event of any other parties proposing to construct railways on any of the streets not occupied by the party to whom the privilege is now to be granted, the nature of the proposals thus made shall be communicated to him, and the option of constructing such proposed railway on similar conditions as are herein stipulated, shall be offered, but if such preference is not accepted within one month, then the corporation may grant the privilege to any other parties.

"Now these presents witness, that the said parties of the first part, in consideration of the amounts to be paid to them by the said party of the second part, his executors, administrators, and assigns, by and under the said resolutions, and these presents, and of the covenants and agreements therein on his part and behalf to be kept and performed, do hereby give and grant unto the said party of the second part, his executors, administrators and assigns, the exclusive right and privilege to construct, maintain and operate street railways by single or double tracks with all necessary turn-outs, side-tracks, and switches, in, along, and upon King street, Queen street, and Yonge street in the said city, together with the right to the use of the tracks of the said railways as against all other vehicles whatsoever, for the said term of thirty years upon the conditions, and subject to all the payments, regulations, provisions, and stipulations in the said above recited resolutions and these presents expressed and contained, and the said parties of the first part covenant with the said party of the second part, his executors, administrators and assigns :

"First, that when and so often as it may be necessary for them, the said parties of the first part, to open any of the streets as stipulated in the sixth resolution above recited, a reasonable notice shall be given to the said party of the second part, of their intention so to do, and the work thereon shall not be unnecessarily delayed, but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof :

"Second, that there shall be no unnecessary delay on the part of the said parties of the first part and their officer and officers, in the granting of any certificate required by any of the said resolutions, but the said parties of the first part, and their officer and officers, shall and will in all things so far as is consistent with their duty, aid and assist the said party of the second part in carrying out this agreement :

"Third, that the time limited in the twenty-third resolution shall apply to the construction of the railway on Yonge street, and that the restrictions therein contained, so far as the same applies to the railways on King and Queen streets, shall be extended to the first day of June in the year of our Lord one thousand eight hundred and sixty-two :

"Fourth, that the said party of the second part, his executors, administrators and assigns, paying the license fees as provided in the ninth resolution, and performing and fulfilling all the conditions, stipulations, restrictions and covenants in the said resolutions and in these presents contained, shall and may, peaceably and quietly have, hold and enjoy the rights and privileges hereby granted, without any let or hindrance or trouble of or by the said parties of the first part, or any person or persons on their behalf :

" And lastly, that as soon as the necessary power required to sanction this agreement be granted by the Legislature of the Province, and the parties of the first part are legally authorized so to do, they will without delay pass a By-law framed in accordance with the said resolutions.

" And the said party of the second part doth hereby for himself, his heirs, executors and administrators, covenant, promise and agree to and with the said parties of the first part, their successors and assigns in manner following, that is to say :

" First, that he will construct, maintain and operate the said railways within the times, in the manner and upon the conditions in the said resolutions, and these presents set forth :

" Second, that he will well and truly pay the said license fees and will truly and faithfully perform, fulfil and keep all the conditions, covenants and agreements in the said resolutions and these presents expressed and contained on his or their part to be performed, fulfilled and kept :

" Third, that before breaking up, opening or interfering with any of the said streets, for the purpose of constructing the said railways, he will give or cause to be given to the city surveyor or other proper officer of the said parties of the first part, at least ten days' notice of his intention so to do, and that no more than twenty-six hundred feet of the said streets shall be broken up or opened at any one time, and that when the work thereon shall have been commenced the same shall be proceeded with steadily and without intermission and as rapidly as the same can be carried on, due regard being had to the proper and efficient construction of the same :

" Fourth, that during the construction of the said railways, due and proper care shall be taken to leave sufficient space and crossings so that the traffic and travel on the said streets and other streets running at right angles thereto shall not be unnecessarily impeded, and that the watercourses of the said streets shall be left free and unobstructed, and lights, barriers or watchmen provided and kept by the said party of the second part, when and where required to prevent accidents to the public :

" Fifth, that the gauge of the said railways shall be such that the ordinary vehicles now in use may travel on the said tracks, and that it shall and may be lawful to and for all and every person and persons whatsoever to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the party of the second part, running thereon, and subject at all times to the right of the said party of the second part, his executors, administrators and assigns, to keep the said tracks with his and their cars, when meeting or overtaking any other vehicle thereon :

Sixth, that the said party of the second part, his heirs executors or administrators, shall and will at all times employ careful, sober and civil agents, conductors and drivers, to take charge of the cars upon the said railways, and that he the said party of the second part, his heirs, executors, and administrators, and his and their agents, conductors, drivers, and servants, shall and will from time to time, and at all times during the continuance of this grant, and the exercise by him

or them of the rights and privileges hereby conferred, operate the said railways, and cause the same to be worked under such regulations as the common council of the city of Toronto may deem necessary and requisite for the protection of the persons and property of the public, and provided such regulations shall not infringe upon the privilege granted by the said resolution :

"Seventh, that no higher fare than five cents shall be charged or extracted from or upon any passenger using the car or cars of the said party of the second part, from the St. Lawrence Hall, in King street, either to Yorkville or the asylum, but he or she shall be entitled to travel in the said car or cars either of the said distances for one fare only :

"And lastly, that all the works to be done under the said resolutions, and these presents, and the rights and privileges to be used thereunder shall be done and used to the satisfaction of the common council of the city of Toronto, or the city surveyor or other officer to be by them appointed for the purpose : provided, however, that if the said party of the second part be delayed by the order and injunction of any court, except the same be granted on the default or negligence of the said party of the second part, then the time of such delay shall be excluded from the operation of this agreement and such time in addition to the periods prescribed in the said resolutions shall be allowed for the completion of the said railway, and also that it is the intent and meaning of the nineteenth resolution above recited, that the forfeiture therein mentioned shall attach in case the said party of the second part fails to build and operate any one of the three lines of railway ; it being the clear understanding of the said party of the second part, that the privileges hereby conferred were to insure the completion and working of three lines of railway, and in case of failure in any one the absolute forfeiture of what has been constructed and of the plant belonging thereto shall take place under the said resolution and agreement ; and provided further that this agreement and the matters and things herein contained shall only take effect after the legislation necessary for legalizing the same, shall have been obtained."

## SCHEDULE B.

### (Section 3.)

Agreement made this nineteenth day of January, A.D. 1889, between The Corporation of the City of Toronto, hereinafter called "the City," of the first part, and The Toronto Street Railway Company, hereinafter called "the Company," of the second part.

All matters in issue in the several actions which were pending between the city and the company on December 31st, 1888, and all claims made therein by the company upon the city, and *vice versa* up to said date are hereby settled on the following basis :

1. The company is to pay the city forthwith the amount of the company's debenture accounts for 1887 (\$17,095.36), with



interest at five per cent. from December 31st, 1887, and for 1888 (\$22,373.56), with interest at five per cent. from September 10th, 1888, to date of payment.

2. From December 31st, 1888, the company is to pay the city in lieu of all claims on account of debentures maturing after that date, and in lieu of the company's liability for construction, renewal, maintenance and repair in respect of all the portions of streets occupied by the company's tracks, at the rate of \$600 per mile of single track (or \$1,200 per mile of double track) per annum, so long as the franchise of the company to use the said streets, or any of them, now extends; such sum to be paid quarterly on January 1st, April 1st, July 1st and October the 1st in each year, in respect of the three months immediately preceding the said dates respectively; the first of such quarterly payments to be made on the first of April, 1889, and if there be a broken quarter, then at the same rate for such broken quarter on the last day thereof.

3. The mileage of tracks in respect of which each quarterly payment is to be made is to be ascertained, determined and certified quarterly by two engineers appointed therefor, one by the city and the other by the company, and, in case they disagree, then by an engineer to be appointed by the two so appointed, or by a judge of the High Court of Justice, on the application of either party.

4. The said payments shall be accepted by the city in full satisfaction and discharge of all claims upon the company in respect of the construction, renewal, maintenance and repair of all the aforesaid portions of the said streets, and also in respect of all claims by the city upon the company for damages and costs suffered or paid by the city by reason of the non-construction, or non-repair thereof by the company; and hereafter the city shall undertake the construction, renewal, maintenance and repair of all the aforesaid portions of the said streets, but not of the company's tracks, tie and stringers

5. As between the company and the city, the city shall have the sole right in every case from time to time to determine the kind of road-bed or road-beds, pavement or pavements (if any) to be laid down, constructed or maintained upon the said streets or upon the portions thereof occupied and used by the company, and the manner in which the same shall be constructed; and the liability of the city to the company in respect of the construction, renewal, repair and maintenance of roads shall be as defined by section 531 of *The Municipal Act*, save that the city shall be bound to indemnify the company against any damages or costs which the company may have to pay to third parties by reason exclusively of neglect on the part of the city to repair or to keep in repair the portions of the streets aforesaid.

6. The city is to do the aforesaid work of construction, renewal, maintenance and repair with reasonable dispatch, so that the company's traffic may not be unreasonably interrupted, and in case it is not necessary to remove the said tracks, ties or stringers, due care shall be exercised so that no unnecessary damage may be done thereto; and in any case the company may itself do the work of removal of the tracks, ties or stringers, should it be necessary in the opinion of the engineers (to be appointed as in the third paragraph hereof), that



the said ties, stringers and tracks should be removed, in order to the proper performance or execution of any of said works.

7. In case it may be necessary at any time to take up any of the said road-beds occupied by the company's tracks, or any portion thereof, to allow the company to lay down tracks thereon, or to renew, replace or repair tracks, ties or stringers, the company shall give ten days' notice in writing to the city engineer of their desire to have such road-beds taken up, specifying therein the portion of the road-beds so to be taken up, and the time which will be required for constructing, repairing or renewing their tracks, ties and stringers, and the city engineer shall thereupon have the said road-beds taken up, and the same shall be re-laid by the city in as good a condition as before, and the expense of such taking up and of the re-laying of the same in as good condition as before shall be ascertained and certified by the city engineer, and the amount so certified shall be a debt from the company to the city, payable forthwith on demand or recoverable with costs by action in any court of competent jurisdiction.

8. The company shall prosecute the work of laying such tracks or of renewing and replacing such tracks, ties or stringers with all reasonable dispatch, and in case the same is not proceeded with and completed within the time specified in the original notice, or within such further time as the city engineer may by writing under his hand allow, the city may replace or relay the said road-beds, and the expense of the taking up and relaying thereof shall be ascertainable and recoverable from the company as in the last section mentioned.

9. In cases where it becomes necessary for the continuance of the company's traffic from the sinking or spreading of the ties or tracks of the company, or from any other like cause temporarily affecting small portions of the company's track (not exceeding, in any one case, 50 feet in length) that the same should be immediately repaired, the city engineer may dispense with the ten days' notice required by section 7 and may allow the company to make the necessary repairs thereto at its own expense, but such repairs must be made under the supervision and control of the city engineer and subject to his approval and the men employed upon the work shall be subject to his orders, and the company hereby agrees to indemnify the city against any claims for damages which may be made upon the city by reason of anything happening during and by reason of such repairs.

10. In case the council authorizes the construction of new lines of track upon any street or streets, the company shall, at its own expense, under the direction, supervision and control of the city engineer, take up so much of the road-bed or pavement on said streets as the city engineer may consider necessary for the purpose of such construction, and in such manner and in such sections and portions as he may direct; such taking up of road-bed to be begun at a time to be specified in a ten days' notice, to be given in writing to the said city engineer, and to be continuously carried on as he may direct; and the men employed upon the work shall be under the orders of the said city engineer. The relaying of the said road-beds or pavements, in as good condition as before, shall be done by the city at the company's expense, and the cost thereof shall be

ascertained and certified by the city engineer, and the amount so certified shall be a debt from the company to the city, payable forthwith on demand, or recoverable with costs by action in any court of competent jurisdiction. The provisions of section 8 shall apply in case of the construction of new lines of track as aforesaid.

11. This agreement is not to affect the rights of either party in respect of any of the matters referred to in the 18th resolution set out in by-law 353 of the city of Toronto, or of any question arising out of the same, nor in respect of any matter not herein specifically dealt with, nor shall this agreement have any operation beyond the period over which the aforesaid franchise now extends.

12. In consideration of the foregoing, it is further agreed that all claims by the city against the company in respect of the construction or renewal of roadways, repairs of roadways and damages by reason of non-repair thereof up to the date of this agreement, shall be abandoned; and that all action pending on 31st December, 1888, between the city and the company shall be forthwith dismissed by the respective plaintiffs therein without costs.

13. The company is to abandon all claims of every nature against the city up to the date of this agreement.

As witness, the corporate seal of the said city, and the hands of the mayor and treasurer thereof, and the corporate seal of the said company, and the hand of the president thereof, the day and year first above written.

E. F. CLARKE,  
*Mayor.*

R. T. COADY,  
*Treasurer.*

[L.S. City of Toronto.]

FRANK SMITH,  
*President.*

JAMES GUNN,  
*Secretary.*

[L.S. Toronto Street Railway Company.]

#### SCHEDULE C.

(Section 4.)

No. . . . . A BY-LAW,

*To explain and amend By-law 2,005 respecting the Don Improvement.*

Passed 1890.

Whereas by by-law 2,005 of this corporation, passed on the 7th day of May, 1888, it was recited that it had been ascertained that the land expropriated by by-laws 1,774 and 1,803, for the purpose of the Don improvement, was more than was necessarily required for the purpose of said improvement, and that the cost of the said improvement might be reduced by reducing the area of land so taken, and that it was expedient

to repeal by-laws 1,774 and 1,803 to the extent of the extra lands thereby taken and now no longer required for said improvement, and to enact in lieu thereof a new by-law taking a less quantity of land ; and whereas the enacting part of the said by-law differs from said recital, and it is expedient to amend the same in order to conform thereto and to the intention of this council in the passing thereof ;

Therefore the municipal council of the corporation of the city of Toronto enacts as follows:—

1. Section 1 of by-law 2,005 is hereby amended by inserting in the last line thereof, after the word “repealed,” the words “so far as the same affects lands not hereinafter described.”

2. The said amendment shall be read as if the same had been made at the date of the passing of said by-law 2,005.

NO. 46.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the City of Toronto.

First Reading, 4th March, 1890.

(*Reprinted as amended by Private Bills  
Committee.*)

(Private Bill.)

MR. E. F. CLARKE.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

## An Act respecting the City of Toronto.

WHEREAS the corporation of the city of Toronto have by Preamble.  
 their petition prayed for special legislation in respect  
 to the several matters hereinafter set forth; and whereas it is  
 expedient to grant the prayer of the said petition;


Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—



1.—(1) The power conferred upon the corporation of the city  
 of Toronto by section 13 of the Act passed in the 52nd year of  
 Her Majesty's reign and chapter 73, to borrow, with the con-  
 sent of the ratepayers, whatever sum may be required to  
 enable the said corporation to acquire the ownership of the  
 railways of the Toronto Street Railway and all real and per-  
 sonal property in connection with the working thereof at the  
 expiration of the current term of the franchise of the said  
 company, shall not be subject to the limitation of the borrow-  
 ing powers of the said city contained in the first section of the  
 Act passed in the 52nd year of Her Majesty's reign, chaptered  
 74, or to any limitation whatever; and the said corporation  
 may also borrow, with the consent of the ratepayers, whatever  
 sum may be required to manage and operate the said railway.  
Corporation may borrow sums necessary to purchase and operate street railway.

(2) The word "ratepayers" in the said section shall mean  
 ratepayers entitled to vote *on money by-laws*, and the said  
 consent may be given by a vote upon a question to be sub-  
 mitted to such ratepayers without a by-law, and without  
 specifying the sum to be borrowed and such vote shall be  
 taken before any application is made for an order for pos-  
 session as hereinafter provided.

2.—(1) The corporation of the city of Toronto may at  
 once proceed to arbitrate under the 18th Resolution recited in  
 the agreement of the 26th of March, 1861, printed as schedule  
 "A" hereto, and the said city of Toronto and the Toronto  
 Street Railway Company shall in every reasonable way facili-  
 tate such arbitration. The arbitrator or arbitrators to be  
 named shall proceed so as if possible to make the award not  
 later than the 13th of March, 1891. If, from any cause, the  
 award shall not be made *by such time*, or if either party be dis-  
 satisfied with such award the said the corporation of the city  
 of Toronto shall nevertheless be at liberty to take possession  
 of the said Toronto Street Railway and all the property and  
 effects thereof real and personal on paying into court either  
 the amount of such award, if the award be made, or, if not,  
 upon paying into court or to the company such sum of money as  
 on notice given to the said Toronto Street Railway Com-  
 pany a Divisional Court of the High Court of Justice may  
Corporation may take possession of street railway at expiration of current term.



order, and upon and subject and according to such terms, stipulations and conditions as the said Divisional Court shall in any such order direct or prescribe;  provided always that this section shall not be construed to affect the rights of the parties in any way under the said agreement save as herein provided.

(2) Nothing in this Act contained shall affect the rights of the holders of the debentures heretofore issued under the Act of this Legislature, 47 Victoria, chapter 77, but in the event of the corporation of the city of Toronto taking such possession, such debentures shall be and continue a first charge upon the said railway and property as declared by that Act whether the same are retained by the corporation of the city of Toronto or are sold or leased by them to any other persons or company.  But this declaration shall not be held or taken to prejudice or affect any claim which on the part of the city of Toronto may be contended for before the arbitrator or arbitrators as to the amount at which the liability created by the said debentures should be estimated or valued in calculating the amount to be paid to the company by or under the award. 

Agreement of  
19th January,  
1889, con-  
firmed.

3. The agreement between the corporation of the city of Toronto and the Toronto Street Railway Company, made on the 19th day of January, 1889, and which is printed as schedule "B" hereto, is hereby confirmed; and all Acts and parts of Acts of the Legislature of this Province inconsistent therewith are hereby repealed.

By law No.  
2491  
confirmed.

4. By-law number of 2491 the corporation of the city of Toronto (which is printed as schedule "C", hereto) is hereby validated and confirmed as if the same had been passed on the 7th day of May, 1888.

## SCHEDULE A.

### (Section 2.)

"Articles of agreement had, made and concluded this twentieth day of March, in the year of our Lord one thousand eight hundred and sixty-one, between the corporation of the city of Toronto of the first part, and Alexander Easton of the village of Yorkville, of the second part:

"Whereas divers inhabitants of the city of Toronto have petitioned the common council of the city of Toronto to sanction the construction of street railways in, along and upon the streets of the said city, and the said party of the second part hath proposed to construct and operate such street railways upon the streets hereinafter mentioned, and the said common council did on the fourteenth day of the present month of March, accept such proposals by the following resolutions:

"First, that Alexander Easton be authorized to lay down street railways of approved construction on any of the streets of this city, such railways being of approved construction, and worked under such regulations as may be necessary for the protection of the citizens:

"Second, all works necessary for constructing and laying down the several railway tracks shall be made in a substantial manner, according to the best modern practice, under the supervision of the city surveyor or such other officer as the council shall appoint for this purpose, and to the satisfaction of the council :

"Third, the roadway between and within at least one foot six inches from and outside of each rail shall be paved or macadamized and kept constantly in good repair by the said Easton, who shall also be bound to construct and keep in good repair crossings of a similar character to those adopted by the corporation within the limits aforesaid, at the intersection of every such railway track and cross street :

"Fourth, the tracks shall conform to the grades of the various streets through which they will run, as furnished by the city surveyor or such other officer as aforesaid, and shall not in any way change or alter the same :

"Fifth, the location of the line of railway in any of the streets shall not be made until the plans thereof, shewing the position of the rails and other works in each street, shall have been submitted to and approved of by the city surveyor, or such other officer as aforesaid :

"Sixth, the city authorities shall have the right to take up the streets traversed by the rails either for the purpose of altering the grades thereof, constructing or repairing drains, or for laying down or repairing water or gas pipes, and for all other purposes within the province and privileges of the corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or to the works connected therewith :

"Seventh, the rail to be employed for the said railway shall be the flat rail, such as is now used in the city of Philadelphia, with such modifications as the council, on the recommendation of the city surveyor or other officer as aforesaid, may decide to adopt, and the cars shall be constructed in the most modern style :

"Eighth, the railway shall not be opened to the public nor put in operation until the sanction of the council has been previously obtained by means of a special resolution to that effect, and such sanction shall only be granted upon a certificate from the city surveyor, or other officer especially appointed for that purpose, declaring the said road to be in good condition and constructed conformably to the conditions prescribed by the agreement on that behalf :

"Ninth, each car employed on the railway shall be numbered, and none shall be used, unless under a license for that purpose, for which license the said proprietor shall pay the annual sum of five dollars :

"Tenth, the cars shall be run over the whole of the tracks herein-mentioned at least sixteen hours in summer and fourteen hours in winter on each day, and at intervals of not less than thirty minutes ; and no car shall run on Sundays :

"Eleventh, the speed of the cars shall never exceed six miles per hour :

"Twelfth, the conductors shall announce to the passengers the names of the streets and public squares as the cars reach them :

"Thirteenth, the cars shall be used exclusively for the conveyance of passengers :

"Fourteenth, when the accumulation of snow or ice on the roadway shall be such as to impede the traffic, every means shall be used to clear the track, and while impeded sufficient sleighs shall be provided for the accommodation of the public :

"Fifteenth, no higher rate than five cents shall be charged for the conveyance of each passenger on the line :

"Sixteenth, the proprietor or proprietors shall be liable for all damages arising out of the construction or operation of the railways :

"Seventeenth, should the proprietor neglect to keep the track or the roadway or crossings between and on each side of the rails in good condition, or to have the necessary repairs made therein, the city surveyor or other proper officer shall give notice thereof requiring such repairs to be made forthwith, and if not made within a reasonable time, the said surveyor or other officer as aforesaid shall cause the repairs to be made, and the amount so expended may be recovered against the said proprietors in any court of competent jurisdiction

"Eighteenth, the privilege granted by the present agreement shall extend over a period of thirty years from this date, but at the expiration thereof the corporation may, after giving six month's notice prior to the expiration of the said term of their intention, assume the ownership of the railway and all real and personal property in connection with the working thereof, on payment of their value, to be determined by arbitration, and in case the corporation should fail in exercising the right of assuming the ownership of the said railway, at the expiration of thirty years as aforesaid, the corporation may, at the expiration of every five years to elapse after the first thirty years exercise the same right of assuming the ownership of the said railway, and of all real and personal estate thereunto appertaining, after one year's notice, to be given within the twelve months immediately preceding the expiration of every fifth year as aforesaid, and on payment of their value to be determined by arbitration :

"Nineteenth, should the proprietors at any time give up the railway or cease to exercise the privilege hereby granted to them for a period of six months they shall forfeit the entire property, including the rails, cars, &c., to the benefit of the corporation :

"Twentieth, the agreement to be made hereunder shall only have effect after the legislation necessary for legalizing the same, shall have been obtained :

"Twenty-first, the rails shall be laid down on Queen street from Yonge street to the asylum ; on King street from the river don to Bathurst street, and on Yonge street from King street to Bloor street :

"Twenty-second, the track on Yonge street shall be completed and equipped within twelve months from the date of the Act authorizing the same, and the tracks on King and Queen streets shall be constructed and fully equipped within two years from the same time :

"Twenty-third, if within four months after the passing of the Act, the proprietor should fail to proceed with the works in such manner as to satisfy the city surveyor or other proper



officer appointed by the corporation, that they will be completed within the stipulated time, the corporation may give fourteen days' notice of its intention to annul the privileges hereby granted, and if the works are not then proceeded with in a satisfactory manner, the corporation may by resolution annul the said privileges accordingly :

" Twenty-fourth, in the event of any other parties proposing to construct railways on any of the streets not occupied by the party to whom the privilege is now to be granted, the nature of the proposals thus made shall be communicated to him, and the option of constructing such proposed railway on similar conditions as are herein stipulated, shall be offered, but if such preference is not accepted within one month, then the corporation may grant the privilege to any other parties.

" Now these presents witness, that the said parties of the first part, in consideration of the amounts to be paid to them by the said party of the second part, his executors, administrators, and assigns, by and under the said resolutions, and these presents, and of the covenants and agreements therein on his part and behalf to be kept and performed, do hereby give and grant unto the said party of the second part, his executors, administrators and assigns, the exclusive right and privilege to construct, maintain and operate street railways by single or double tracks with all necessary turn-outs, side-tracks, and switches, in, along, and upon King street, Queen street, and Yonge street in the said city, together with the right to the use of the tracks of the said railways as against all other vehicles whatsoever, for the said term of thirty years upon the conditions, and subject to all the payments, regulations, provisions, and stipulations in the said above recited resolutions and these presents expressed and contained, and the said parties of the first part covenant with the said party of the second part, his executors, administrators and assigns :

" First, that when and so often as it may be necessary for them, the said parties of the first part, to open any of the streets as stipulated in the sixth resolution above recited, a reasonable notice shall be given to the said party of the second part, of their intention so to do, and the work thereon shall not be unnecessarily delayed, but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof :

" Second, that there shall be no unnecessary delay on the part of the said parties of the first part and their officer and officers, in the granting of any certificate required by any of the said resolutions, but the said parties of the first part, and their officer and officers, shall and will in all things so far as is consistent with their duty, aid and assist the said party of the second part in carrying out this agreement :

" Third, that the time limited in the twenty-third resolution shall apply to the construction of the railway on Yonge street, and that the restrictions therein contained, so far as the same applies to the railways on King and Queen streets, shall be extended to the first day of June in the year of our Lord one thousand eight hundred and sixty-two :

" Fourth, that the said party of the second part, his executors, administrators and assigns, paying the license fees as provided in the ninth resolution, and performing and fulfilling all

the conditions, stipulations, restrictions and covenants in the said resolutions and in these presents contained, shall and may, peaceably and quietly have, hold and enjoy the rights and privileges hereby granted, without any let or hindrance or trouble of or by the said parties of the first part, or any person or persons on their behalf:

"And lastly, that as soon as the necessary power required to sanction this agreement be granted by the Legislature of the Province, and the parties of the first part are legally authorized so to do, they will without delay pass a By-law framed in accordance with the said resolutions.

"And the said party of the second part doth hereby for himself, his heirs, executors and administrators, covenant, promise and agree to and with the said parties of the first part, their successors and assigns in manner following, that is to say:

"First, that he will construct, maintain and operate the said railways within the times, in the manner and upon the conditions in the said resolutions, and these presents set forth:

"Second, that he will well and truly pay the said license fees and will truly and faithfully perform, fulfil and keep all the conditions, covenants and agreements in the said resolutions and these presents expressed and contained on his or their part to be performed, fulfilled and kept:

"Third, that before breaking up, opening or interfering with any of the said streets, for the purpose of constructing the said railways, he will give or cause to be given to the city surveyor or other proper officer of the said parties of the first part, at least ten days' notice of his intention so to do, and that no more than twenty-six hundred feet of the said streets shall be broken up or opened at any one time, and that when the work thereon shall have been commenced the same shall be proceeded with steadily and without intermission and as rapidly as the same can be carried on, due regard being had to the proper and efficient construction of the same:

"Fourth, that during the construction of the said railways, due and proper care shall be taken to leave sufficient space and crossings so that the traffic and travel on the said streets and other streets running at right angles thereto shall not be unnecessarily impeded, and that the watercourses of the said streets shall be left free and unobstructed, and lights, barriers or watchmen provided and kept by the said party of the second part, when and where required to prevent accidents to the public:

"Fifth, that the gauge of the said railways shall be such that the ordinary vehicles now in use may travel on the said tracks, and that it shall and may be lawful to and for all and every person and persons whatsoever to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the party of the second part, running thereon, and subject at all times to the right of the said party of the second part, his executors, administrators and assigns, to keep the said tracks with his and their cars, when meeting or overtaking any other vehicle thereon:

Sixth, that the said party of the second part, his heirs executors or administrators, shall and will at all times employ



careful, sober and civil agents, conductors and drivers, to take charge of the cars upon the said railways, and that he the said party of the second part, his heirs, executors, and administrators, and his and their agents, conductors, drivers, and servants, shall and will from time to time, and at all times during the continuance of this grant, and the exercise by him or them of the rights and privileges hereby conferred, operate the said railways, and cause the same to be worked under such regulations as the common council of the city of Toronto may deem necessary and requisite for the protection of the persons and property of the public, and provided such regulations shall not infringe upon the privilege granted by the said resolution :

"Seventh, that no higher fare than five cents shall be charged or extracted from or upon any passenger using the car or cars of the said party of the second part, from the St. Lawrence Hall, in King street, either to Yorkville or the asylum, but he or she shall be entitled to travel in the said car or cars either of the said distances for one fare only :

"And lastly, that all the works to be done under the said resolutions, and these presents, and the rights and privileges to be used thereunder shall be done and used to the satisfaction of the common council of the city of Toronto, or the city surveyor or other officer to be by them appointed for the purpose : provided, however, that if the said party of the second part be delayed by the order and injunction of any court, except the same be granted on the default or negligence of the said party of the second part, then the time of such delay shall be excluded from the operation of this agreement and such time in addition to the periods prescribed in the said resolutions shall be allowed for the completion of the said railway, and also that it is the intent and meaning of the nineteenth resolution above recited, that the forfeiture therein mentioned shall attach in case the said party of the second part fails to build and operate any one of the three lines of railway ; it being the clear understanding of the said party of the second part, that the privileges hereby conferred were to insure the completion and working of three lines of railway, and in case of failure in any one the absolute forfeiture of what has been constructed and of the plant belonging thereto shall take place under the said resolution and agreement ; and provided further that this agreement and the matters and things herein contained shall only take effect after the legislation necessary for legalizing the same, shall have been obtained."

## SCHEDULE B.

(Section 3.)

Agreement made this nineteenth day of January, A.D. 1889, between The Corporation of the City of Toronto, hereinafter called "the City," of the first part, and The Toronto Street Railway Company, hereinafter called "the Company," of the second part.

All matters in issue in the several actions which were pending between the city and the company on December 31st,

1888, and all claims made therein by the company upon the city, and *vice versa* up to said date are hereby settled on the following basis:

1. The company is to pay the city forthwith the amount of the company's debenture accounts for 1887 (\$17,095.36), with interest at five per cent. from December 31st, 1887, and for 1888 (\$22,373.56), with interest at five per cent. from September 10th, 1888, to date of payment.

2. From December 31st, 1888, the company is to pay the city in lieu of all claims on account of debentures maturing after that date, and in lieu of the company's liability for construction, renewal, maintenance and repair in respect of all the portions of streets occupied by the company's tracks, at the rate of \$600 per mile of single track (or \$1,200 per mile of double track) per annum, so long as the franchise of the company to use the said streets, or any of them, now extends; such sum to be paid quarterly on January 1st, April 1st, July 1st and October the 1st in each year, in respect of the three months immediately preceding the said dates respectively; the first of such quarterly payments to be made on the first of April, 1889, and if there be a broken quarter, then at the same rate for such broken quarter on the last day thereof.

3. The mileage of tracks in respect of which each quarterly payment is to be made is to be ascertained, determined and certified quarterly by two engineers appointed therefor, one by the city and the other by the company, and, in case they disagree, then by an engineer to be appointed by the two so appointed, or by a judge of the High Court of Justice, on the application of either party.

4. The said payments shall be accepted by the city in full satisfaction and discharge of all claims upon the company in respect of the construction, renewal, maintenance and repair of all the aforesaid portions of the said streets, and also in respect of all claims by the city upon the company for damages and costs suffered or paid by the city by reason of the non-construction, or non-repair thereof by the company; and hereafter the city shall undertake the construction, renewal, maintenance and repair of all the aforesaid portions of the said streets, but not of the company's tracks, tie and stringers.

5. As between the company and the city, the city shall have the sole right in every case from time to time to determine the kind of road-bed or road-beds, pavement or pavements (if any) to be laid down, constructed or maintained upon the said streets or upon the portions thereof occupied and used by the company, and the manner in which the same shall be constructed; and the liability of the city to the company in respect of the construction, renewal, repair and maintenance of roads shall be as defined by section 531 of *The Municipal Act*, save that the city shall be bound to indemnify the company against any damages or costs which the company may have to pay to third parties by reason exclusively of neglect on the part of the city to repair or to keep in repair the portions of the streets aforesaid.

6. The city is to do the aforesaid work of construction, renewal, maintenance and repair with reasonable dispatch, so that the company's traffic may not be unreasonably interrupted, and in case it is not necessary to remove the said

tracks, ties or stringers, due care shall be exercised so that no unnecessary damage may be done thereto; and in any case the company may itself do the work of removal of the tracks, ties or stringers, should it be necessary in the opinion of the engineers (to be appointed as in the third paragraph hereof), that the said ties, stringers and tracks should be removed, in order to the proper performance or execution of any of said works.

7. In case it may be necessary at any time to take up any of the said road-beds occupied by the company's tracks, or any portion thereof, to allow the company to lay down tracks thereon, or to renew, replace or repair tracks, ties or stringers, the company shall give ten days' notice in writing to the city engineer of their desire to have such road-beds taken up, specifying therein the portion of the road-beds so to be taken up, and the time which will be required for constructing, repairing or renewing their tracks, ties and stringers, and the city engineer shall thereupon have the said road-beds taken up, and the same shall be re-laid by the city in as good a condition as before, and the expense of such taking up and of the re-laying of the same in as good condition as before shall be ascertained and certified by the city engineer, and the amount so certified shall be a debt from the company to the city, payable forthwith on demand or recoverable with costs by action in any court of competent jurisdiction.

8. The company shall prosecute the work of laying such tracks or of renewing and replacing such tracks, ties or stringers with all reasonable dispatch, and in case the same is not proceeded with and completed within the time specified in the original notice, or within such further time as the city engineer may by writing under his hand allow, the city may replace or relay the said road-beds, and the expense of the taking up and relaying thereof shall be ascertainable and recoverable from the company as in the last section mentioned.

9. In cases where it becomes necessary for the continuance of the company's traffic from the sinking or spreading of the ties or tracks of the company, or from any other like cause temporarily affecting small portions of the company's track (not exceeding, in any one case, 50 feet in length) that the same should be immediately repaired, the city engineer may dispense with the ten days' notice required by section 7 and may allow the company to make the necessary repairs thereto at its own expense, but such repairs must be made under the supervision and control of the city engineer and subject to his approval and the men employed upon the work shall be subject to his orders, and the company hereby agrees to indemnify the city against any claims for damages which may be made upon the city by reason of anything happening during and by reason of such repairs.

10. In case the council authorizes the construction of new lines of track upon any street or streets, the company shall, at its own expense, under the direction, supervision and control of the city engineer, take up so much of the road-bed or pavement on said streets as the city engineer may consider necessary for the purpose of such construction, and in such manner and in such sections and portions as he may direct; such taking up of road-bed to be begun at a time to be specified in a ten days' notice, to be given in writing to the said city engineer, and to be continuously carried on as he may direct; and the

men employed upon the work shall be under the orders of the said city engineer. The relaying of the said road-beds or pavements, in as good condition as before, shall be done by the city at the company's expense, and the cost thereof shall be ascertained and certified by the city engineer, and the amount so certified shall be a debt from the company to the city, payable forthwith on demand, or recoverable with costs by action in any court of competent jurisdiction. The provisions of section 8 shall apply in case of the construction of new lines of track as aforesaid.

11. This agreement is not to affect the rights of either party in respect of any of the matters referred to in the 18th resolution set out in by-law 353 of the city of Toronto, or of any question arising out of the same, nor in respect of any matter not herein specifically dealt with, nor shall this agreement have any operation beyond the period over which the aforesaid franchise now extends.

12. In consideration of the foregoing, it is further agreed that all claims by the city against the company in respect of the construction or renewal of roadways, repairs of roadways and damages by reason of non-repair thereof up to the date of this agreement, shall be abandoned; and that all action pending on 31st December, 1888, between the city and the company shall be forthwith dismissed by the respective plaintiffs therein without costs.

13. The company is to abandon all claims of every nature against the city up to the date of this agreement.

As witness, the corporate seal of the said city, and the hands of the mayor and treasurer thereof, and the corporate seal of the said company, and the hand of the president thereof, the day and year first above written.

E. F. CLARKE,  
*Mayor.*

R. T. COADY,  
*Treasurer.*

[L.S. City of Toronto.]

FRANK SMITH,  
*President.*

JAMES GUNN,  
*Secretary.*

[L.S. Toronto Street Railway Company.]

#### SCHEDULE C.

(Section 4.)

No. . . . . A BY-LAW,

*To explain and amend By-law 2,005 respecting the Don Improvement.*

Passed

1890.

Whereas by by-law 2,005 of this corporation, passed on the 7th day of May, 1888, it was recited that it had been ascertained that the land expropriated by by-laws 1,774 and 1,803,



for the purpose of the Don improvement, was more than was necessarily required for the purpose of said improvement, and that the cost of the said improvement might be reduced by reducing the area of land so taken, and that it was expedient to repeal by-laws 1,774 and 1,803 to the extent of the extra lands thereby taken and now no longer required for said improvement, and to enact in lieu thereof a new by-law taking a less quantity of land; and whereas the enacting part of the said by-law differs from said recital, and it is expedient to amend the same in order to conform thereto and to the intention of this council in the passing thereof;

Therefore the municipal council of the corporation of the city of Toronto enacts as follows:—

1. Section 1 of by-law 2,005 is hereby amended by inserting in the last line thereof, after the word "repealed," the words "so far as the same affects lands not hereinafter described."

2. The said amendment shall be read as if the same had been made at the date of the passing of said by-law 2,005.



4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act respecting the City of Toronto.

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First Reading,	4th	March,	1890.
Second	"	24th	"
			1890.

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*(Reprinted as amended by Committee of  
Whole House.)*

(Private Bill.)

Mr. E. F. CLARKE.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to Incorporate the Hamilton and Barton  
Incline Railway Company (Limited).

**W**HEREAS Watson George Walton, William Magee the Preamble.  
younger, George Smyth, Henry Kuntz, F. W. Bearman,  
Henry H. Laing, Harry Barker, James Kirk, John A. Barr,  
Andrew Ruthven, Samuel Davis the younger, John Mont-  
gomery, W. H. Kerner, George Bartmann, Robert Jahn, John  
Wilson, John Thomson, Thomas Taafe and James Chisholm,  
all of the city of Hamilton, in the county of Wentworth, and  
John Clarke, John Wesley Gage, Adam Cooke, Hiram Barker,  
John C. Vosper and H. J. Lawry, all of the township of Bar-  
ton, in the county of Wentworth aforesaid, have by their  
petition prayed for an act to incorporate them and others  
under the name and style of "The Hamilton and Barton  
Incline Railway Company, (Limited)," for the purpose of  
constructing and operating an incline plane or railway for the  
public convenience from some point at or near the southern  
boundary of the city of Hamilton, in the said county of Went-  
worth, up to the brow or summit of the Niagara escarpment  
or mountain adjacent thereto, in the township of Barton, in  
the said county of Wentworth, and whereas it is expedient to  
grant the prayer of the said petition;  
Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows;—

1. The said persons in the preamble mentioned, and such Incorporation  
other persons and corporations as shall hereafter become stock-  
holders of the said company, shall be and are hereby consti-  
tuted and declared to be a body corporate and politic, by the  
name of "The Hamilton and Barton Incline Railway Com-  
pany, (Limited)," and by that name shall have perpetual  
succession, with all other powers consistent with and neces-  
sary for the purposes hereinafter declared.

2. The said company hereby incorporated, and their agents Location of  
and servants, shall have full power and authority under this line.  
act to construct, complete and operate an incline plane or  
railway from some point at or near the southern boundary of  
the said city of Hamilton, to the brow or summit of the escarp-  
ment or mountain adjacent thereto, in the said township of  
Barton.

3. The said Watson George Walton, William Magee the Provisional  
younger, George Smyth, John Clarke and John Wesley Gage directors.  
shall be the first directors of the said company, and three of  
the directors shall form a quorum.

Rev. Stat., c.  
156, incorpo-  
rated.

4. The provisions of *The Ontario Joint Stock Companies' General Clauses Act* shall be incorporated with this Act, and this Act shall be construed as if the same were formally embodied and reproduced therein.

Capital stock.

5. The capital stock of the company shall be \$20,000, to be divided into four hundred shares of \$50 each, with power to increase the same in the manner provided by sub-section 6 of section 37 of *The Railway Act of Ontario*.

Power to issue  
debentures,  
and borrow on  
credit of com-  
pany.

6.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds of the shareholders then present in person or by proxy, at a general meeting held for consideration of the by-law, the directors may from time to time borrow money upon the credit of the company, and issue bonds, debentures and other securities of the company, and may sell the said bonds, debentures, and other securities at such prices as may be deemed expedient or be necessary, but no such debenture shall be for less than \$100.

(2) The directors may under a like sanction from time to time hypothecate, mortgage or pledge the real or personal property of the company to secure any sum or sums borrowed for the purposes thereof provided that the said issue of bonds, debentures or mortgages shall not exceed the sum of \$20,000 at any one time.

Construction  
of line along  
highways.

7. It shall and may be lawful for the municipalities of the city of Hamilton and township of Barton aforesaid, to pass a by-law or by-laws empowering the company to construct their plane or railway along and upon any of the highways within such municipality or either of them, and it shall be lawful for the company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the proper maintenance and repair of any highway along and upon which such municipality may empower the company to construct their said plane or railway.

Power to con-  
tract with  
Street Rail-  
way Com-  
pany.

8. The said company shall have power to make traffic and running arrangements, either or both with the Hamilton Street Railway Company and their successors, upon such terms as may be agreed upon.

Exemption  
from taxation.

9. It shall further be lawful for the corporations of the municipalities of the said city of Hamilton and township of Barton, or either of them by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such terms of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with any condition contained in such by-law.

10. The municipalities of the city of Hamilton and the township of Barton, which are connected by the said incline plane or railway, are empowered to grant by way of gift to the company, any lands belonging to such municipality or either of them, or over which it or they may have control, which may be required for right of way, station grounds and other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land, and aid by way of bonus, gift or loan towards the construction, equipment or maintenance of the said railway from any government, or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Aid from municipalities.

11. The company shall have power to purchase and hold such land as may be required at either extremity of the said railway, for the purpose of building thereon storehouses, engine house and waiting rooms, and other erections for the uses of the said company, and the same or any portion thereof in their discretion to sell or convey.

Power to acquire lands for store-houses, etc.

12.—(1) Tolls or fares shall be from time to time fixed and regulated by the by-laws of the company, passed by the directors of the company or by the shareholders at any general meeting, and may be demanded and received for all passengers, animals, vehicles and goods transported on the said incline plane or railway, and shall be paid to such persons and at such places near to the railway in such manner and under such regulations as the by-laws direct.

Tolls.

(2) All or any of the tolls may by by-law be reduced or raised as often as deemed necessary for the interests of the company.

(3) The directors shall from time to time print and stick up, or cause to be printed and stuck up in the office and in all and every of the places where the tolls are to be collected, and in the company's cars in some conspicuous place there, a printed board or paper, exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any person, matter or thing.

(4) No tolls shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in the *Ontario Gazette* of the by-law establishing such tolls, and of the order in council approving thereof.

(5) The toll or fare shall be due and payable by every passenger on entering the car or conveyance of the company, and any person refusing to pay the toll or fare when demanded by the conductor, shall be liable to a fine of not more than \$10, besides costs; and the same shall be recoverable before any justice of the peace.

13. The head office of the company shall be located at the said city of Hamilton.

Head office.

14. The undertaking shall be commenced within one year, and completed within two years after the passing of this Act.

Time for commencement and completion of work.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to Incorporate the Hamilton  
and Barton Incline Railway Company,  
(Limited).

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First Reading,	1890.
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(Private Bill.)

MR. AWREY.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

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## An Act to Incorporate the Town of North Bay.

WHEREAS that certain portion of the township of Preamble.

Widdifield in the district of Nipissing, known as the village of North Bay, is rapidly increasing in population, and, by reason of its central location and railway facilities, is likely to become an important business centre; and whereas the inhabitants of said village have by their petition represented that the incorporation of the said village as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this act, the said Village of North Bay shall be, and is hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of North Bay," and shall enjoy, and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province.

2. The said town of North Bay shall comprise and consist of the lands lying within the limits described as follows that is to say:—commencing at a point on the town line, between the townships of Ferris and Widdifield in the said district of Nipissing, where the said line touches on the north shore of lake Nipissing; thence in an easterly direction along said town line to the line between lots numbers 19 and 20 in concession D of the said township of Widdifield; thence in a northerly direction along the said line between said lots to Metcalf street; thence along Metcalf street to Third avenue; thence along Third avenue in a north-westerly direction to Front street; thence in a westerly direction to Douglas street; thence north along Douglas street to the division line between the Douglas survey and the property of one John McLeod; thence west along said division line to the Government Road or side line between lots numbers 20 and 21 in the said township of Widdifield; thence in a projected line across lot number 21 in concession C of the said township of Widdifield, to the side line between lots numbers 21 and 22 in said concession C of said township; thence south along the said side line to James street in the Timmins and Gorman survey of "Gormanville"; thence in a westerly direction to John street; thence in a south-westerly direction to lake Nipissing; thence along the shore of Lake Nipissing to the place of beginning.

Wards.

3. The said town shall be divided into three wards to be called respectively the "Metcalf," "Ferguson" and "Murray" wards, which said several wards shall be respectively composed and bounded as follows:—The Metcalf Ward shall comprise all that part of the said town which is bounded as follows: 5  
commencing at a point on the town line between the townships of Ferris and Widdifield in the said district of Nipissing, where the said town line touches on the north shore of Lake Nipissing; thence in an easterly direction along the north side of the said town line to the side line between lots numbers 19 10  
and 20 in concession D of the said township of Widdifield; thence north along the west side of said side line between said lots to Metcalf street; thence along the north side of Metcalf street to Third avenue; thence along the north-westerly side of Third avenue to Ferguson street; thence in a westerly 15  
direction along the south side of Ferguson street to Sixth street; thence along the south side of Sixth street to Elm street; thence in a south-easterly direction along the east side of Elm street to Fifth street; thence westerly along the south side of Fifth street to Railway street; thence along the 20  
east side of Railway street to Regina street; thence in a westerly direction to where the south side of Regina street touches lake Nipissing; thence along the shore of lake Nipissing to the place of beginning. The Ferguson Ward shall comprise all that part of the said town which is bounded 25  
as follows: commencing on the north-westerly side of Ferguson street where said street meets Third avenue, thence along the east side of Third avenue to Front street; thence west along the north side of Front street to Douglas street; thence north along the east side of Douglas street to the dividing line 30  
between the Douglas survey and the property of John McLeod; thence west along the south side of said line to the Government Road or side line between lots 20 and 21 in concession C of the said township of Widdifield; thence South along the west side of said line to C.P.R. street; thence in a 35  
south-easterly direction along the west side of said C.P.R. street to Ferguson street; thence east along the north side of Ferguson street to the place of beginning. The Murray Ward shall comprise all that part of the said town which is bounded as follows: commencing on the north side of Re- 40  
gina street where the said street meets Chippewa creek; thence west along the north side of Regina street to Railway street; thence in a north-westerly direction along the east side of Railway street to Fifth street; thence east along the north-west side of Fifth street to Elm street; thence in a north- 45  
westerly direction along the west side of Elm street to Sixth street; thence east along the north west side of Sixth street to C.P.R. street; thence in a north-westerly direction along the north side of C.P.R. street to the Government Road, or side line between lots numbers 20 and 21 in concession D of the 50  
said township of Widdifield; thence north along the west side of said side line to a point opposite the dividing line between the Douglas survey and the property of John McLeod; thence west along the south side of the projected line across lot number 21 in concession C of the said township of Widdifield to 55  
the side line between lots numbers 21 and 22 in said concession C of said township; thence south along the east side of said side line to James street; thence west along the north side of James street to John street; thence in a southerly di-

rection along the west side of John street to where the said street meets lake Nipissing; thence along the shore of lake Nipissing to Regina street, the place of beginning.

4. The provisions of *The Municipal Act* and any Act amending the same relating to matters consequent upon the formation of new municipal corporations and the other provisions of *The Municipal Act* shall, except as far as herein otherwise provided, apply to the said corporation of the town of North Bay in the same manner as if the said village had been erected into a town under the provisions of the said Acts. Municipal laws to apply.

5. On the last Monday of the month of December after the passing of this Act, it shall be lawful for John G. Cormack, or the township clerk for the time being, who is hereby appointed the returning officer, after giving notice thereof by public advertisement in a newspaper published in the said town of North Bay, for at least one week, to hold the nomination for the first election of mayor, reeve and councillors at the court house, in the said town of North Bay, at the hour of noon, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from amongst themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week, in the week next following the said nomination, and the returning officer or chairman shall at the said nomination publicly announce the place in each ward at which the polling shall take place. Nomination for first election.

6. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the town is divided, and such returning officer and each deputy-returning officer shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns. Deputy-returning officers.

7. The clerk of the said township of Widdifield shall upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the first election, and the said returning officers shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath. Clerk of township of Widdifield to furnish copy of assessment roll.

8. The council of the said town to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, a reeve and six councillors, two councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, Council.



or if there be no polling, on the same day of the week next following the week of the nomination; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, 5 use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

**Oaths of office and qualification.** **9.** The several persons who shall be elected or appointed 10 under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

**Qualification at first election.** **10.** At the first election of mayor, reeve and councillors for the said town of North Bay, the qualification of electors and 15 that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.

**Expenses of Act.** **11.** All expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer 20 of the said town of North Bay, or otherwise, shall be borne by the said town, and paid by it to any party entitled thereto.

**By-laws continued.** **12.** All by-laws and municipal regulations which are in force in the township of Widdifield shall continue and be in force as if they had been passed by the corporation of the town 25 of North Bay, and shall extend to and have full effect within the limits of the town hereby incorporated, until repealed by the new corporation.

**School trustees.** **13.—(1)** The said returning officer shall at the nomination provided for in section 5 of this Act, receive nominations for 30 two school trustees for each of said wards, and the election for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of *The Public Schools Act*.

**Rev. Stat., c. 225.** (2) The first meeting of the board of public school trustees 35 shall be held on the Wednesday of the week next following the week of the polling, or if there be no polling, on the Wednesday of the week next following the week of the nomination, at noon, when the board of school trustees for school section number one of the township of Widdifield shall cease 40 to exist, and the trustees of the late school board shall hand over unto the new board of trustees all moneys and properties belonging to the said school.

(3) The boundaries of the school section for the town of North Bay shall be the same as when the said section was 45 originally formed, which comprise lots numbers 17 to 24, both inclusive, in concession A of the said township of Widdifield; lots numbers 17 to 24, both inclusive, in concession B of said township; lots numbers 17 to 24, both inclusive, in concession C of said township; and lots numbers 17 to 21, both inclusive, 50 in concession D of said township.

(4) The length of term for each trustee elected shall be determined by lot at the first meeting of the new board of trustees.





No. 48.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to Incorporate the Town of  
North Bay.

First Reading,	1890.
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(Private Bill.)

MR. MURRAY.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to Incorporate the Town of North Bay.

**W**HEREAS that certain portion of the township of <sup>Preamble.</sup> Widdifield in the district of Nipissing, known as the village of North Bay, is rapidly increasing in population, and, by reason of its central location and railway facilities, is likely to become an important business centre; and whereas the inhabitants of said village have by their petition represented that the incorporation of the said village as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this act, the said Village of <sup>Town</sup> North Bay shall be, and is hereby constituted a corporation or <sup>incorporated,</sup> body politic, under the name of "The Corporation of the Town of North Bay," and shall enjoy, and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province.

2. The said town of North Bay shall comprise and consist <sup>Limits of</sup> of the lands lying within the limits described as follows that <sup>town.</sup> is to say:—commencing at a point on the town line, between the townships of Ferris and Widdifield in the said district of Nipissing, where the said line touches on the north shore of lake Nipissing; thence in an easterly direction along said town line to the line between lots numbers 19 and 20 in concession D of the said township of Widdifield; thence in a northerly direction along the said line between said lots to Metcalf street; thence along Metcalf street to Third avenue; thence along Third avenue in a north-westerly direction to Front street; thence in a westerly direction to Douglas street; thence north along Douglas street to the division line between the Douglas survey and the property of one John McLeod; thence west along said division line to the Government Road or side line between lots numbers 20 and 21 in the said township of Widdifield; thence in a projected line across lot number 21 in concession C of the said township of Widdifield, to the side line between lots numbers 21 and 22 in said concession C of said township; thence south along the said side line to James street in the Timmins and Gorman survey of "Gormanville"; thence in a westerly direction to John street; thence in a south-westerly direction to lake Nipissing; thence along the shore of Lake Nipissing to the place of beginning.

## Wards.

3. The said town shall be divided into three wards to be called respectively the "Metcalf," "Ferguson" and "Murray" wards, which said several wards shall be respectively composed and bounded as follows:—The Metcalf Ward shall comprise all that part of the said town which is bounded as follows: commencing at a point on the town line between the townships of Ferris and Widdifield in the said district of Nipissing, where the said town line touches on the north shore of Lake Nipissing; thence in an easterly direction along the north side of the said town line to the side line between lots numbers 19 and 20 in concession D of the said township of Widdifield; thence north along the west side of said side line between said lots to Metcalf street; thence along the north side of Metcalf street to Third avenue; thence along the north-westerly side of Third avenue to Ferguson street; thence in a westerly direction along the south side of Ferguson street to Sixth street; thence along the south side of Sixth street to Elm street; thence in a south-easterly direction along the east side of Elm street to Fifth street; thence westerly along the south side of Fifth street to Railway street; thence along the east side of Railway street to Regina street; thence in a westerly direction to where the south side of Regina street touches lake Nipissing; thence along the shore of lake Nipissing to the place of beginning. The Ferguson Ward shall comprise all that part of the said town which is bounded as follows: commencing on the north-westerly side of Ferguson street where said street meets Third avenue, thence along the east side of Third avenue to Front street; thence west along the north side of Front street to Douglas street; thence north along the east side of Douglas street to the dividing line between the Douglas survey and the property of John McLeod; thence west along the south side of said line to the Government Road or side line between lots 20 and 21 in concession C of the said township of Widdifield; thence South along the west side of said line to C.P.R. street; thence in a south-easterly direction along the west side of said C.P.R. street to Ferguson street; thence east along the north side of Ferguson street to the place of beginning. The Murray Ward shall comprise all that part of the said town which is bounded as follows: commencing on the north side of Regina street where the said street meets Chippewa creek; thence west along the north side of Regina street to Railway street; thence in a north-westerly direction along the east side of Railway street to Fifth street; thence east along the north-west side of Fifth street to Elm street; thence in a north-westerly direction along the west side of Elm street to Sixth street; thence east along the north west side of Sixth street to C.P.R. street; thence in a north-westerly direction along the north side of C.P.R. street to the Government Road, or side line between lots numbers 20 and 21 in concession D of the said township of Widdifield; thence north along the west side of said side line to a point opposite the dividing line between the Douglas survey and the property of John McLeod; thence west along the south side of the projected line across lot number 21 in concession C of the said township of Widdifield to the side line between lots numbers 21 and 22 in said concession C of said township; thence south along the east side of said side line to James street; thence west along the north side of James street to John street; thence in a southerly di-

rection along the west side of John street to where the said street meets lake Nipissing; thence along the shore of lake Nipissing to Regina street, the place of beginning.

4. The provisions of *The Municipal Act* and any Act amending the same relating to matters consequent upon the formation of new municipal corporations and the other provisions of *The Municipal Act* shall, except as far as herein otherwise provided, apply to the said corporation of the town of North Bay in the same manner as if the said village had been erected into a town under the provisions of the said Acts. Municipal laws to apply.

5. On the last Monday of the month of December after the passing of this Act, it shall be lawful for John G. Cormack, or the township clerk for the time being, who is hereby appointed the returning officer, after giving notice thereof by public advertisement in a newspaper published in the said town of North Bay, for at least one week, to hold the nomination for the first election of mayor, reeve and councillors at the court house, in the said town of North Bay, at the hour of noon, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from amongst themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week, in the week next following the said nomination, and the returning officer or chairman shall at the said nomination publicly announce the place in each ward at which the polling shall take place. Nomination for first election.

6. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the town is divided, and such returning officer and each deputy-returning officer shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns. Deputy-returning officers.

7. The clerk of the said township of Widdifield shall upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the first election, and the said returning officers shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath. Clerk of township of Widdifield to furnish copy of assessment roll.

8. The council of the said town to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, a reeve and nine councillors, three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, Council.



or if there be no polling, on the same day of the week next following the week of the nomination; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Oaths of office  
and qualifica-  
tion.

**9.** The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Qualification  
at first elec-  
tion.

**10.** At the first election of mayor, reeve and councillors for the said town of North Bay, the qualification of electors and that of officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.


Expenses of  
Act.

**11.** All expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town of North Bay, or otherwise, shall be borne by the said town, and paid by it to any *person* entitled thereto.

By-laws con-  
tinued.

**12.** All by-laws and municipal regulations which are in force in the township of Widdifield shall continue and be in force as if they had been passed by the corporation of the town of North Bay, and shall extend to and have full effect within the limits of the town hereby incorporated, until repealed by the new corporation.

Time for tak-  
ing assess-  
ment.

**13.** The council of the said town may pass a by-law for taking the assessment of the said town for the year, from the first day of January to the thirty-first day of December, 1890, between the 15th day of May and the first day of August, 1890. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and the final return by the stipendiary magistrate twelve weeks from that day. 

School trus-  
tees.

**14.—(1)** The said returning officer shall at the nomination provided for in section 5 of this Act, receive nominations for two school trustees for each of said wards, and the election for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of *The Public Schools Act*.

Rev. Stat., c.  
225.

**(2)** The first meeting of the board of public school trustees shall be held on the Wednesday of the week next following the week of the polling, or if there be no polling, on the Wednesday of the week next following the week of the nomination, at noon, when the board of school trustees for school section number one of the township of Widdifield shall cease to exist, and the trustees of the late school board shall hand over unto the new board of trustees all moneys and properties belonging to the said school.



(3) The boundaries of the school section for the town of North Bay shall be the same as when the said section was originally formed, which comprise lots numbers 17 to 24, both inclusive, in concession A of the said township of Widdifield; lots numbers 17 to 24, both inclusive, in concession B of said township; lots numbers 17 to 24, both inclusive, in concession C of said township; and lots numbers 17 to 21, both inclusive, in concession D of said township.

(4) The length of term for each trustee elected shall be determined by lot at the first meeting of the new board of trustees.

No. 48.

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4th Session, 6th Legislature, 53 Vic., 1890

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BILL.

An Act to Incorporate the Town of  
North Bay.

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First Reading, 4th March, 1890.

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*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. MURRAY.

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TORONTO :  
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to Incorporate the Arthur, Guelph and  
Ontario Railway Company.

**W**HEREAS John Anderson and Anthony Buschlen, of the **Preamble.**  
village of Arthur, Richard Doyle of the township of  
Arthur, John McNabb, of the township of West Luther, and  
Frederick Jasper Chadwick, of the city of Guelph, have by  
5 their petition represented that it is desirable that a railway be  
constructed from a point at or near the village of Arthur, in  
the county of Wellington, to the city of Guelph, and thence in  
as direct a course as feasible to lake Ontario and to a point  
thereon at or near the village of Grimsby, in the county of  
10 Wentworth, and have prayed that they may be incorporated  
for the purpose of constructing and operating such railway ;  
and whereas it is expedient to grant the prayer of the said  
petition ;

Therefore Her Majesty, by and with the advice and consent  
15 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

**1.** John Anderson and Anthony Buschlen, of the village of **Incorporation.**  
Arthur, Richard Doyle, of the township of Arthur, John  
McNabb, of the township of West Luther, and Frederick Jasper  
20 Chadwick, of the city of Guelph, together with all such per-  
sons and corporations as shall become shareholders in the com-  
pany hereby incorporated, shall be, and are hereby constituted  
a body corporate and politic, by the name of the "Arthur,  
Guelph and Ontario Railway Company."

**2.** The said company shall have full power and authority to **Location of**  
survey, lay out, construct, complete, equip and operate a single **line.**  
or double line of railway, from a point at or near the village  
of Arthur in the county of Wellington, through a part of the  
same and the municipalites thereof intervening, to the city of  
30 Guelph, and thence through the said county *via* or near the  
village of Monston in said county, and the village of Freelon  
in the county of Wentworth, and through portions of the  
township of Beverly and of West and East Flamboro in said  
county, at or near the village of Burlington on lake Ontario  
35 in said county, and thence on and along the intervening strip  
of land in said county, known commonly as Burlington Beach,  
and along and near the shores of said lake in said county, to  
a point at or near the village of Grimsby, on said lake in said  
county.

**3.** The gauge of the said railway shall be four feet eight **Gauge.**  
and one-half inches.

Provisional  
directors.

4. John Anderson and Anthony Buschlen, of the village of Arthur, Richard Doyle, of the township of Arthur, John McNabb, of the township of West Luther, and Frederick Jasper Chadwick, of the city of Guelph, with power to add to their numbers, shall be, and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. 5

Powers of  
provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada, having an office in the Province of Ontario, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the village of Arthur, or at such other place as may best suit the interest of the said company. 10 15 20 25 30 35

Rev. Stat.,  
c. 170.

Form of con-  
veyance.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. 40 45 50

Subscriptions  
not binding  
until approved  
and ten per  
cent. paid.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. 55

8. The said company may receive from any government, Aid to com-  
pany. or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

9. The capital stock of the company hereby incorporated Capital stock. shall be \$250,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be Rev. Stat.,  
c. 170. divided into two thousand five hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

10. When and as soon as shares to the amount of \$50,000 First election  
of directors of capital stock in said company shall have been subscribed, and ten per centum paid thereon, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the village of Arthur, in the said county of Wellington, of the time, place and purpose of the said meeting.

11. At such general meeting, the shareholders present who Number of  
directors and  
quorum. shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*. Rev. Stat.,  
c. 170.

12. No person shall be qualified to be elected as such Qualification  
of directors. director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

13. The directors may, from time to time, make calls as Calls. they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount



subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 10 of this Act.

Certain payments may be made in stock or bonds.

14. The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Annual meetings.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the village of Arthur or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the village of Arthur during the four weeks preceding the week in which such meeting is to be held.

Special meetings.

16. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses, to railways.

Proviso.

Provisions as to bonus by-laws.

18. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of

fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act*; Rev. Stat., c. 184.

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, as aforesaid; Rev. Stat., c. 184.

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

19. Such by-law shall in each instance provide:—

By-law, what to contain.

1. For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law, so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, "Minor municipality," meaning of.

township, or incorporated village, situate in the county municipality.

Deposit for expenses.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law. 5

If by-law carried, council to pass same.

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal Council which submitted the same shall read 10 the said by-law a third time and pass the same.

and issue debentures

24. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly 15 executed, to the trustees appointed, or to be appointed, under this Act.

Levying rate on portions of a municipality

25. In case any such loan, guarantee, or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and 20 the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of Municipal Acts as to by-laws.

26. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a por- 25 tion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work 30 beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for completion.

28. It shall and may be lawful for the council of any municipality that may grant aid, by way of bonus, to the said 35 company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time; provided that no such extension shall be for a longer period than one year at a time. 40

Rate not exceeding three cents in the dollar, valid.

29. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or 45 portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than 3 cents in the dollar upon the value of the ratable property therein. 50



**30.** It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption  
from taxation

**31.** Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of  
land

**32.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole  
lots.

**33.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat.,  
c. 170.

Acquiring  
gravel, etc.,  
for construction and maintenance of  
railway.

Rev. Stat  
c 170.

Sidings to  
gravel pits.

Rev. Stat.,  
c. 170.

**34**—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the land on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of  
debentures.

**35.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of pro-  
ceeds of  
debentures

**36.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Arthur, Guelph and Ontario Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees, for such payment or



delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

5 37. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

38. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$20,000 per mile, and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Issue of bonds.  
Proviso.

39. All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Transfer of bonds.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein Negotiable instruments.

- Proviso.** provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. 5
- Pledging bonds.** 41. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.
- Agreements with other companies.** 42. It shall be lawful for the directors of the company to 10 enter into agreement with any company or companies—if lawfully authorized to enter into such an agreement—person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such 15 terms as may be agreed on; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other movable property of the other or others of them, on such terms, as to 29 compensation and otherwise, as may be agreed upon.
- Agreements with other railway companies.** 43. The said company shall have power to agree for connections, and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company or other Railway Companies, if lawfully empowered to 25 enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with the said railway company, if lawfully authorized to enter into such an 30 agreement, for the sale or leasing or hiring of any portion of their railway or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both or of any part thereof or touching any service to be rendered by the one company to the other 35 and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, according to the terms and 40 tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to 45 confer rights or powers upon any company which is not within the legislative authority of this Province.
- Telegraph lines.** 44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and pro- 50 tecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company. 55

**45.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their 5 shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Rights of  
aliens

**46.** Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certi- 10 cates, issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the Company.

Transfer of  
shares.

**47.** The company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, work- 15 shops, and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers freight and other traffic in con- 20 nection with the railway.

Power to hold  
additional  
property.

**48.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back 25 charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to col-  
lect back  
charges on  
goods.

**49.** The said railway shall be commenced within three 30 years, and completed within six years from the passing of this Act.

Commence-  
ment and  
completion of  
railway.

**50.** The company incorporated by this Act may enter into any arrangement with any other railway company or com- 35 panies, whether within the legislative authority of this Province or otherwise, which is lawfully empowered to enter into such an agreement, for the leasing or working of the said railway, on such terms and conditions, as the directors of the several companies may agree on, or for the construction or 40 partial construction thereof, or for leasing or hiring from such other company or companies, any portion of their railway or the use thereof, or for the leasing or hiring any locomotives or other movable property from such company or persons, and generally to make any agreement or agreements with 45 any other company touching the use by one or the other, or by both companies, of the railway or rolling stock of either, or both, or any part thereof; or touching any service to be rendered by the one company to the other and the compensation therefor; and any such agreement shall be valid and bind- 50 ing according to the law and tenor thereof; and the company or companies leasing or entering into agreement for using the said line may, and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or

Agreements  
with other  
companies.



intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Power to build  
railway by  
sections

Rev. Stat.  
c. 170.

51. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, and all and every one of the clauses of the said *Railway Act* and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

## SCHEDULE A.

### (Section 6.)

Know all men by these presents that I (or we) (*insert the name of the vendors*) in consideration of dollars paid to me (or us) by the Arthur, Guelph and Ontario Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel or those certain parcels) (*as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Arthur, Guelph and Ontario Railway Company, their successors and assigns for ever (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , A.D. 18

Signed, sealed and delivered }  
in presence of }

[LS.]

## SCHEDULE B.

*(Section 36).**Chief Engineer's Department.*THE ARTHUR, GUELPH & ONTARIO RAILWAY COMPANY'S  
OFFICE.

No.                      Engineer's Department,                      A.D. 18

Certificate to be attached to cheques drawn on the Arthur,  
Guelph and Ontario Railway Company Municipal Trust  
Account, given under section                      chapter                      of the  
Acts of the Legislature of Ontario, passed in the                      year  
of Her Majesty's reign.

I, A. B., Chief Engineer of the Arthur, Guelph and Ontario  
Railway Company, do hereby certify that the said company  
has fulfilled the terms and conditions necessary to be fulfilled  
under the by-law No.                      of the township of  
(or under the agreement dated the                      day of  
between the corporation of                      and the said company)  
to entitle the said company to receive from the said trust the  
sum of                      (*here set out the terms and conditions,*  
*if any, which have been fulfilled.*)



No. 49.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to Incorporate the Arthur, Guelph  
and Ontario Railway Company.

First Reading,	1890.
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(Private Bill.)

Mr.

TORONTO:


PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to Incorporate the Arthur, Guelph and  
Ontario Railway Company.

**W**HEREAS John Anderson and Anthony Buschlen, of the **Preamble.**  
village of Arthur, Richard Doyle of the township of  
Arthur, John McNabb, of the township of West Luther, and  
Frederick Jasper Chadwick, of the city of Guelph, have by  
their petition represented that it is desirable that a railway be  
constructed from a point at or near the village of Arthur, in  
the county of Wellington, to the city of Guelph, *in the said*  
*county, and thence to the city of Hamilton*, in the county of  
Wentworth, and have prayed that they may be incorporated  
for the purpose of constructing and operating such railway ;  
and whereas it is expedient to grant the prayer of the said  
petition ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. John Anderson and Anthony Buschlen, of the village of **Incorporation.**  
Arthur, Richard Doyle, of the township of Arthur, John  
McNabb, of the township of West Luther, and Frederick Jasper  
Chadwick, of the city of Guelph, together with all such per-  
sons and corporations as shall become shareholders in the com-  
pany hereby incorporated, shall be, and are hereby constituted  
a body corporate and politic, by the name of the “Arthur,  
Guelph and Ontario Railway Company.”

2. The said company shall have full power and authority to **Location of**  
survey, lay out, construct, complete, equip and operate a single **line.**  
or double line of railway, from a point at or near the village  
of Arthur in the county of Wellington, ~~and~~ thence by a course  
through any or either of the townships of Garafraxa, Peel,  
Nichol and Guelph, to the city of Guelph, thence to a point at  
or near the unincorporated village of Morriston, in the town-  
ship of Puslinch, thence to a point at or near Shaw's Station  
on the line of the Canadian Pacific Railway, and thence to the  
city of Hamilton. 

3. The gauge of the said railway shall be four feet eight **Gauge.**  
and one-half inches.

4. John Anderson and Anthony Buschlen, of the village of **Provisional**  
Arthur, Richard Doyle, of the township of Arthur, John **directors.**  
McNabb, of the township of West Luther, and Frederick  
Jasper Chadwick, of the city of Guelph, with power to add to  
their numbers, shall be, and are hereby constituted a board of

provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of  
provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the said village of Arthur, or at such other place as may best suit the interest of the said company.

Rev. Stat.,  
c. 170.

Form of con-  
veyance.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions  
not binding  
until approved  
and ten per  
cent. paid.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to com-  
pany.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or

other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

9. The capital stock of the company hereby incorporated shall be \$250,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into two thousand five hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

Capital stock.

Rev. Stat.,  
c. 170.

10. When and as soon as shares to the amount of \$50,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon, ~~to~~ into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company ~~by~~ the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the village of Arthur, in the said county of Wellington, of the time, place and purpose of the said meeting.

First election  
of directors

11. At such general meeting, the shareholders present who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Number of  
directors and  
quorum.

Rev. Stat.,  
c. 170.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Qualification  
of directors.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount

Calls.



subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 15 of this Act.

Certain pay-  
ments may be  
made in stock  
or bonds.

**14.** The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Annual  
meetings.

**15.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said village of Arthur or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said village of Arthur during the four weeks preceding the week in which such meeting is to be held.

Special  
meetings.

**16.** Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from  
municipali-  
ties.

**17.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses, to railways.

Proviso.

Provisions as  
to bonus by-  
laws.

**18.** Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of



fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act and the amendments thereto*; Rev. Stat., c. 184.

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act and the amendments thereto* as aforesaid; Rev. Stat., c. 184.

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

**19. Such by-law shall in each instance provide:—**

By-law, what to contain.

1. For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

**20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law, so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.** Provisions for referring to arbitration disputes as to bonus by-laws.

**21. The term "minor municipality" shall be construed to "Minor municipality," mean any town not separated from the municipal county, meaning of.**

township, or incorporated village, situate in the county municipality.

Deposit for expenses.

**22.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried, council to pass same.

**23.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

and issue debentures

**24.** Within one month after the passing of such by-law, the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Levying rate on portions of a municipality

**25.** In case any such loan, guarantee, or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of Municipal Acts as to by-laws.

**26.** The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

**27.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for completion.

**28.** It shall and may be lawful for the council of any municipality that may grant aid, by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not exceeding three cents in the dollar, valid.

**29.** Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

**30.** It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption  
from taxation

**31.** Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of  
land.

**32.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto; if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole

Rev. Stat.,  
c. 170.

**33.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring  
gravel, etc.,  
for construction and maintenance of  
railway.

Rev. Stat.  
c. 170.



Sidings to  
gravel pits.

Rev. Stat.,  
c. 170.

**34—(1)** When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of  
debentures.

**35.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of pro-  
ceeds of  
debentures.

**36.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Arthur, Guelph and Ontario Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees, for such payment or

delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

**37.** The trustees shall be entitled to their reasonable fees Fees to and charges from said trust fund, and the act of any two of trustees. such trustees shall be as valid and binding as if the three had agreed.

**38.** The directors of the said company, after the sanction of Issue of bonds. the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of Proviso. bonds shall not exceed in all the sum of \$20,000 per mile, and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided further, that the bonds and any trans- Proviso. fers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

**39.** All such bonds, debentures, and other securities and Transfer of coupons and interest warrants thereon respectively, may be bonds. made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

**40.** The said company shall have power and authority to Negotiable become parties to promissory notes and bills of exchange for instruments. sums of not less than \$100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein



Proviso.

provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Pledging bonds.

41. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements with other companies.

42. It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such an agreement—person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other movable property of the other or others of them, on such terms, as to compensation and otherwise, as may be agreed upon.

Agreements with other railway companies.

43. The said company shall have power to agree for connections, and make running arrangements with the Canadian Pacific Railway Company or the Grand Trunk Railway Company of *Canada*, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with *either or both of* the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of their railway or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Telegraph lines.

44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* (being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

**45.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Rights of  
aliens

**46.** Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates, issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the Company.

Transfer of  
shares.

**47.** The company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.


Power to hold  
additional  
property.

**48.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to col-  
lect back  
charges on  
goods.

**49.** The said railway shall be commenced within three years, and completed within six years from the passing of this Act.

Commence-  
ment and  
completion of  
railway.

 **50.** The directors of the said company may enter into a contract or contracts with any individual, or association of individuals, for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds, or in paid-up stock; Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Power to  
contract for  
construction  
and equipment  
of line.

Proviso.



**51.** The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of

Power to build  
railway by  
sections

Rev. Stat.  
c. 179.

such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said *Railway Act* and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

Rev. Stat. c.  
170, incorpor-  
ated.

 **52** The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act*, and of every Act in amendment thereof, so incorporated with this Act. 

## SCHEDULE A.

### (Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Arthur, Guelph and Ontario Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel or those certain parcels) (*as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Arthur, Guelph and Ontario Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands

As witness my (or our) hand and seal (or hands and seals)  
this day of , A.D. 18

Signed, sealed and delivered }  
in presence of }

[L.S.]

## SCHEDULE B.

(Section 36).

*Chief Engineer's Certificate.*

THE ARTHUR, GUELPH AND ONTARIO RAILWAY COMPANY'S  
OFFICE.

No.                      Engineer's Department,                      A.D. 18

Certificate to be attached to cheques drawn on the Arthur, Guelph and Ontario Railway Company Municipal Trust Account, given under section                      chapter                      of the Acts of the Legislature of Ontario, passed in the                      year of Her Majesty's reign.

I, *A. B.*, Chief Engineer of the Arthur, Guelph and Ontario Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.                      of the township of  
(or under the agreement dated the                      day of  
between the corporation of                      and the said company)  
to entitle the said company to receive from the said trust the sum of                      (*here set out the terms and conditions, if any, which have been fulfilled.*)

No. 49.

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4th Session, 6th Legislature, 53 Vic., 1890

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BILL.

An Act to Incorporate the Arthur, Guelph  
and Ontario Railway Company.

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First Reading, 13th March, 1890.

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*(Reprinted as amended by Railway  
Committee.)*

(Private Bill.)

Mr. CLARKE (Wellington).

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST W.



An Act to legalize the Municipal Election of the Village of Port Rowan.

WHEREAS the village and neighborhood of Port Rowan, in the County of Kent, were on the fourteenth day of December one thousand eight hundred and eighty-nine, by by-law erected into an incorporated village, apart from the township of South Walsingham, in which the same were situate; and whereas, by inadvertence, no meeting of the electors took place for the nomination of candidates for the offices of reeve and councillors of said village on the last Monday in December, one thousand eight hundred and eighty-nine, as provided in sections eighty-nine and one hundred and nine of *The Municipal Act*; and whereas at a mass meeting of the electors of the said village, called by public advertisement, held on Monday, the sixth day of January, one thousand eight hundred and ninety, at said village, Cornelius S. Killmaster was by acclamation elected reeve of said village, and James A. Dedrick, Jonathan Becker, Isaac Saxton and Peter F. Fick, were, by acclamation, elected councillors of said village; and whereas the corporation of the village have, by their petition, prayed that an Act may be passed to legalize the said election; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That notwithstanding all irregularities in the election of the said Cornelius S. Killmaster and the said James A. Dedrick, Jonathan Becker, Isaac Sexton and Peter F. Fick, to the said offices of reeve and councillors respectively, of said village of Port Rowan, for the year one thousand eight hundred and ninety, the said elections are hereby legalized and confirmed, and the said Cornelius S. Killmaster and the said James A. Dedrick, Jonathan Becker, Isaac Sexton and Peter F. Fick, being otherwise properly qualified, are to take and hold their said respective offices in the same way as if the said elections had been regularly and legally conducted.
- Municipal election of Port Rowan for 1890 confirmed.

No. 50.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act legalize the Municipal Election of  
the Village of Port Rowan.

First Reading, \_\_\_\_\_, 1890.

MR. FREEMAN.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the Central Canada Loan and Savings Company of Ontario.

WHEREAS the Central Canada Loan and Savings Company of Ontario, have by their petition represented that the said company is incorporated under *The Ontario Joint Stock Companies Letters Patent Act*, with a capital stock of \$2,000,000; and whereas the said company has entered into an agreement with the Peterborough Real Estate Investment Company (Limited), a company incorporated under the Canada Joint Stock Companies Act, 1887, for the purchase of all the assets of the last mentioned company, and the agreement for said purchase and sale of said assets made by the directors of the said several companies has been duly ratified and confirmed by more than two-thirds of the shareholders of the several companies at special meetings of the shareholders of each company duly called for the purpose; and whereas the agreement aforesaid has been fully carried out, and the purchase money for said assets duly paid, and all the liabilities of the last named company assumed by the said first named company; and whereas it is necessary to increase the capital stock of the Central Canada Loan and Savings Company of Ontario, and the said company by their said petition have prayed that an Act may be passed for the purpose aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The capital stock of the Central Canada Loan and Savings Company of Ontario is hereby declared to be \$5,000,000 divided into 50,000 shares of \$100 each. Capital stock increased.

2. The sale and purchase of the entire assets of the Peterborough Real Estate Investment Company (Limited) are hereby confirmed. Agreement confirmed.

3. All the indentures of mortgage, the covenants, powers, authorities and agreements therein contained, and the moneys thereby secured, and the lands thereby conveyed, and all lands and tenements which were on the 24th day of July, A.D. 1889, or are now vested in or owned or intended to be vested in or owned by the Peterborough Real Estate Investment Company (Limited) and all other the lands and assets of the said company of every kind, save the purchase moneys for the said securities and assets, for all the estate and interest of the said The Peterborough Real Estate Investment Company (Limited) and subject only to the lien in favor of the debenture holders, the creditors of the said The Peterborough Real Estate Invest- Property of Peterborough Real Estate Investment Co. vested in Central Canada Loan and Savings Co.

ment Company (Limited) are hereby vested in, and declared to be the property of the said The Central Canada Loan and Savings Company of Ontario, as fully and to the same extent, and for the same estate as if the said mortgages, lands and other securities had been originally conveyed to, taken by or made to the said The Central Canada Loan and Savings Company of Ontario. And said company shall be entitled to deal with, sell, collect, sue or otherwise proceed on said mortgages and securities, and to convey, assign, discharge or release the same in the name of the said The Central Canada Loan and Savings Company of Ontario as fully as the said The Peterborough Real Estate Investment Company (Limited) might do if this Act had not been passed.

of debentures  
of Peter-  
borough Real  
Estate In-  
vestment Co.

4. All the said securities, lands and assets by this Act vested in the said The Central Canada Loan and Savings Company of Ontario and all other securities, lands and assets of the said company hereafter held by them in the Province of Ontario which shall arise out of the re-investment of the moneys coming in, upon, or from said securities shall stand charged with, and shall be subject to a lien as for unpaid purchase money in favor of all the holders of the debentures owned by The Peterborough Real Estate Investment Company (Limited). And the said debenture holders are hereby declared to be severally the creditors of the said The Central Canada Loan and Savings Company of Ontario, to the extent of their several and respective claims against The Peterborough Real Estate Investment Company (Limited) and interest thereon, and to be severally entitled to enforce the said lien against the said securities, lands and assets upon default of payment of principal or interest, or any part thereof. Provided the discharge of the mortgages and other securities, and the sale of lands or other assets by The Central Canada Loan and Savings Company of Ontario in the ordinary course of realizing the moneys payable in respect thereof, shall be final and absolute notwithstanding the said lien.

Proviso.

Issue of  
debenture  
authorized.

5. The directors of said company may issue debenture stock which shall be treated and considered as part of the regular debenture debt of the company, in such amounts and manner, on such terms, and bearing such rate of interest as the directors from time to time think proper, but so that the amounts received as money deposits and borrowed on the security of debentures or debenture stock or otherwise shall not in the whole exceed the authorized limit of the borrowing powers of the company.

Issue of  
debenture  
stock to be  
kept.

6. The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose in the head office of the company, wherein shall be set forth the names and addresses of the several persons and corporations from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine.

Debenture  
stockholders  
certificate.

7. The Company shall, on demand, deliver to every holder aforesaid, a certificate stating the amount of debenture stock held by him, and the rate of interest payable thereon, and the

terms and conditions to which the said stock is subject, but no other rights or privileges shall be conferred on holders of debenture stock in respect thereof than are held or enjoyed by holders of debentures of the company.

5    **8.** All transfers of debenture stock of the company shall be registered at the head office of the company, and not elsewhere, but the said transfers may be left with such agent or agents in the United Kingdom of Great Britain and Ireland as the company appoints for that purpose, for transmission to the com-  
10 pany's head office for registration.

Registration  
of transfers of  
debenture  
stock.

9. The holders of the debentures of the company may with the consent of the directors at any time exchange such debentures for debenture stock.

Exchange of  
debentures for  
debenture  
stock.

15    **10.** The debenture stock issued or to be issued, under the authority of this Act, shall rank equally with the debentures issued or to be issued by the company.

Debenture  
stock how  
ranked.

11. The company having issued debenture stock may from time to time, as they think fit, and for the interest of the company, but only with the consent of the holders thereof, buy  
20 up and cancel the said debenture stock or any portion thereof.

Cancellation  
of debenture  
stock.

12. The directors before the issue of debenture stock under the provisions of this Act shall first obtain the consent of the shareholders present at a general meeting specially called for that purpose.

Assent of  
shareholders  
to issue of de-  
benture stock.

25    **13.** Any trustee, executor or administrator, if not by the instrument creating his trust, expressly forbidden to do so, may invest any trust fund in debentures or debenture stock of the company, and he shall not on account of the investment be liable as for a breach of trust, provided that such investment  
30 shall in other respects be reasonable and proper, and that the debentures are registered and transferable only on the books of the company in his name as trustee for the particular trust estate for which they are held.

Investment of  
trust moneys  
in debenture  
stock.

(2) This section shall not apply to any instrument creating  
35 a trust executed before the first day of January, 1890.

14. The company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed for such purpose shall not be altered or repealed except-  
40 ing by a vote of two-thirds of the shareholders present, or represented by proxy, at a special meeting to be called for that purpose; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the company has any agency.

Agencies in  
United  
Kingdom.



4th Session, 6th Legislature, 53 Vic, 1890

BILL.

An Act respecting the Central Canada Loan  
and Savings Company of Ontario.

First Reading,	1890.
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(Private Bill.)

MR. STRATTON.

An Act respecting the Central Canada Loan and Savings Company of Ontario.

**W**HEREAS the Central Canada Loan and Savings Company of Ontario, have by their petition represented that the said company is incorporated under *The Ontario Joint Stock Companies Letters Patent Act*, with a capital stock of \$2,000,000; and whereas the said company has entered into an agreement with the Peterborough Real Estate Investment Company (Limited), a company incorporated under the *Canada Joint Stock Companies Act*, 1887, for the purchase of all the assets of the last mentioned company, and the agreement for said purchase and sale of said assets made by the directors of the said several companies has been duly ratified and confirmed by more than two-thirds of the shareholders of the several companies at special meetings of the shareholders of each company duly called for the purpose; and whereas the agreement aforesaid has been fully carried out, and the purchase money for said assets duly paid, and all the liabilities of the last named company assumed by the said first named company; and whereas it is necessary to increase the capital stock of the Central Canada Loan and Savings Company of Ontario, and the said company by their said petition have prayed that an Act may be passed for the purpose aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The capital stock of the Central Canada Loan and Savings Company of Ontario is hereby declared to be increased. \$5,000,000 divided into 50,000 shares of \$100 each.

2. The sale and purchase of the entire assets of the Peterborough Real Estate Investment Company (Limited) are hereby confirmed.

3. All the indentures of mortgage, the covenants, powers, authorities and agreements therein contained, and the moneys thereby secured, and the lands thereby conveyed, and all lands and tenements which were on the 24th day of July, A.D. 1889, or are now vested in or owned or intended to be vested in or owned by the Peterborough Real Estate Investment Company (Limited) and all other the lands and assets of the said company of every kind, save the purchase moneys for the said securities and assets, for all the estate and interest of the said The Peterborough Real Estate Investment Company (Limited) and subject only to the lien in favor of the debenture holders, the creditors of the said The Peterborough Real Estate Invest-

Property of  
Peterborough  
Real Estate  
Investment  
Co. vested in  
Central  
Canada Loan  
and Savings  
Co.

ment Company (Limited) are hereby vested in, and declared to be the property of the said The Central Canada Loan and Savings Company of Ontario, as fully and to the same extent, and for the same estate as if the said mortgages, lands and other securities had been originally conveyed to, taken by or made to the said The Central Canada Loan and Savings Company of Ontario. And said company shall be entitled to deal with, sell, collect, sue or otherwise proceed on said mortgages and securities, and to convey, assign, discharge or release the same in the name of the said The Central Canada Loan and Savings Company of Ontario as fully as the said The Peterborough Real Estate Investment Company (Limited) might do if this Act had not been passed.

Lien of holders of debentures of Peterborough Real Estate Investment Co.

4. All the said securities, lands and assets by this Act vested in the said The Central Canada Loan and Savings Company of Ontario and all other securities, lands and assets of the said company hereafter held by them in the Province of Ontario which shall arise out of the re-investment of the moneys coming in, upon, or from said securities shall stand charged with, and shall be subject to a lien as for unpaid purchase money in favor of all the holders of the debentures owned by The Peterborough Real Estate Investment Company (Limited). And the said debenture holders are hereby declared to be severally the creditors of the said The Central Canada Loan and Savings Company of Ontario, to the extent of their several and respective claims against The Peterborough Real Estate Investment Company (Limited) and interest thereon, and to be severally entitled to enforce the said lien against the said securities, lands and assets upon default of payment of principal or interest, or any part thereof. Provided the discharge of the mortgages and other securities, and the sale of lands or other assets by The Central Canada Loan and Savings Company of Ontario in the ordinary course of realizing the moneys payable in respect thereof, shall be final and absolute notwithstanding the said lien.

Proviso.

Issue of debenture stock authorized.

5. The directors of said company may issue debenture stock which shall be treated and considered as part of the regular debenture debt of the company, in such amounts and manner, on such terms, and bearing such rate of interest as the directors from time to time think proper, but so that the amounts received as money deposits and borrowed on the security of debentures or debenture stock or otherwise shall not in the whole exceed the authorized limit of the borrowing powers of the company.

Register of debenture stock to be kept

6. The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose in the head office of the company, wherein shall be set forth the names and addresses of the several persons and corporations from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine.

Debenture stockholders to receive certificate.

7. The Company shall, on demand, deliver to every holder aforesaid, a certificate stating the amount of debenture stock held by him, and the rate of interest payable thereon, and the

terms and conditions to which the said stock is subject, but no other rights or privileges shall be conferred on holders of debenture stock in respect thereof than are held or enjoyed by holders of debentures of the company.

8. All transfers of debenture stock of the company shall be registered at the head office of the company, and not elsewhere, but the said transfers may be left with such agent or agents in the United Kingdom of Great Britain and Ireland as the company appoints for that purpose, for transmission to the company's head office for registration.

Registration of transfers of debenture stock.

9. The holders of the debentures of the company may with the consent of the directors at any time exchange such debentures for debenture stock.

Exchange of debentures for debenture stock.

10. The debenture stock issued or to be issued, under the authority of this Act, shall rank equally with the debentures issued or to be issued by the company.

Debenture stock how ranked.

11. The company having issued debenture stock may from time to time, as they think fit, and for the interest of the company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Cancellation of debenture stock.

12. The directors before the issue of debenture stock under the provisions of this Act shall first obtain the consent of the shareholders present at a general meeting specially called for that purpose.

Assent of shareholders to issue of debenture stock.

13. The company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of two-thirds of the shareholders present, or represented by proxy, at a special meeting to be called for that purpose; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the company has any agency.

Agencies in United Kingdom.

14. ~~The~~ The company notwithstanding that it is incorporated under *The Ontario Joint Stock Companies' Letters Patent Act*, shall have all the power conferred upon companies incorporated under *An Act respecting Building Societies*, being chapter 169 of the Revised Statutes of Ontario and amending Acts, and any rights, powers or privileges now held by said company not granted by *The Building Society Act* aforesaid and inconsistent therewith are hereby repealed; Provided always that this Act shall not operate to invalidate or affect any investments now made or securities now held by said company.

Company to have powers conferred by Rev. Stat. c. 169, on building societies.

15. Any trustee, executor or administrator, if not by the instrument creating his trust, expressly forbidden to do so, may invest any trust fund in debentures or debenture stock of the company, and he shall not on account of the investment be liable as for a breach of trust, provided that such investment shall in other respects be reasonable and proper, and that the debentures are registered and transferable only on the books of the company in his name as trustee for the particular trust estate for which they are held.

Investment of trust moneys in debenture stock.

(2) This section shall not apply to any instrument creating a trust executed before the first day of January, 1880.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting the Central Canada Loan  
and Savings Company of Ontario.

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First Reading, 19th February, 1890.

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*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

Mr. LEYS.

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TORONTO:

PRINTED BY WARWICK & SONS, 58 AND 70 FRONT ST. W.



An Act respecting the Central Canada Loan and Savings Company of Ontario.

**W**HEREAS the Central Canada Loan and Savings Company Preamble.  
of Ontario, have by their petition represented that the said company is incorporated under *The Ontario Joint Stock Companies Letters Patent Act*, with a capital stock of \$2,000,000; and whereas the said company has entered into an agreement with the Peterborough Real Estate Investment Company (Limited), a company incorporated under the *Canada Joint Stock Companies Act, 1887*, for the purchase of all the assets of the last mentioned company, and the agreement for said purchase and sale of said assets made by the directors of the said several companies has been duly ratified and confirmed by more than two-thirds of the shareholders of the several companies at special meetings of the shareholders of each company duly called for the purpose; and whereas the agreement aforesaid has been fully carried out, and the purchase money for said assets duly paid, and all the liabilities of the last named company assumed by the said first named company; and whereas it is necessary to increase the capital stock of the Central Canada Loan and Savings Company of Ontario, and the said company by their said petition have prayed that an Act may be passed for the purpose aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The capital stock of the Central Canada Loan and Savings Company of Ontario is hereby declared to be Capital stock increased.  
\$5,000,000 divided into 50,000 shares of \$100 each.

2. The sale and purchase of the entire assets of the Peter- Agreement confirmed.  
borough Real Estate Investment Company (Limited) are hereby confirmed.

3. All the indentures of mortgage, the covenants, powers, Property of Peterborough Real Estate Investment Co. vested in Central Canada Loan and Savings Co.  
authorities and agreements therein contained, and the moneys thereby secured, and the lands thereby conveyed, and all lands and tenements which were on the 24th day of July, A.D. 1889, or are now vested in or owned or intended to be vested in or owned by the Peterborough Real Estate Investment Company (Limited) and all other the lands and assets of the said company of every kind, save the purchase moneys for the said securities and assets, for all the estate and interest of the said The Peterborough Real Estate Investment Company (Limited) and subject only to the lien in favor of the debenture holders, the creditors of the said The Peterborough Real Estate Invest-

ment Company (Limited) are hereby vested in, and declared to be the property of the said The Central Canada Loan and Savings Company of Ontario, as fully and to the same extent, and for the same estate as if the said mortgages, lands and other securities had been originally conveyed to, taken by or made to the said The Central Canada Loan and Savings Company of Ontario. And said company shall be entitled to deal with, sell, collect, sue or otherwise proceed on said mortgages and securities, and to convey, assign, discharge or release the same in the name of the said The Central Canada Loan and Savings Company of Ontario as fully as the said The Peterborough Real Estate Investment Company (Limited) might do if this Act had not been passed.

Lien of holders  
of debentures  
of Peter-  
borough Real  
Estate Invest-  
ment Co.

4. All the said securities, lands and assets by this Act vested in the said The Central Canada Loan and Savings Company of Ontario and all other securities, lands and assets of the said company hereafter held by them in the Province of Ontario which shall arise out of the re-investment of the moneys coming in, upon, or from said securities shall stand charged with, and shall be subject to a lien as for unpaid purchase money in favor of all the holders of the debentures owned by The Peterborough Real Estate Investment Company (Limited). And the said debenture holders are hereby declared to be severally the creditors of the said The Central Canada Loan and Savings Company of Ontario, to the extent of their several and respective claims against The Peterborough Real Estate Investment Company (Limited) and interest thereon, and to be severally entitled to enforce the said lien against the said securities, lands and assets upon default of payment of principal or interest, or any part thereof. Provided the discharge of the mortgages and other securities, and the sale of lands or other assets by The Central Canada Loan and Savings Company of Ontario in the ordinary course of realizing the moneys payable in respect thereof, shall be final and absolute notwithstanding the said lien.

Proviso.

Issue of  
debenture  
stock  
authorized.

5. The directors of said company may issue debenture stock which shall be treated and considered as part of the regular debenture debt of the company, in such amounts and manner, on such terms, and bearing such rate of interest as the directors from time to time think proper, but so that the amounts received as money deposits and borrowed on the security of debentures or debenture stock or otherwise shall not in the whole exceed the authorized limit of the borrowing powers of the company.

Register of  
debenture  
stock to be  
kept.

6. The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose in the head office of the company, wherein shall be set forth the names and addresses of the several persons and corporations from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine.

Debenture  
stockholders  
to receive  
certificate.

7. The Company shall, on demand, deliver to every holder aforesaid a certificate stating the amount of debenture stock held by him, and the rate of interest payable thereon, and the

terms and conditions to which the said stock is subject, but no other rights or privileges shall be conferred on holders of debenture stock in respect thereof than are held or enjoyed by holders of debentures of the company.

8. All transfers of debenture stock of the company shall be registered at the head office of the company, and not elsewhere, but the said transfers may be left with such agent or agents in the United Kingdom of Great Britain and Ireland as the company appoints for that purpose, for transmission to the company's head office for registration.

Registration  
of transfers of  
debenture  
stock.

9. The holders of the debentures of the company may with the consent of the directors at any time exchange such debentures for debenture stock.

Exchange of  
debentures for  
debenture  
stock.

10. The debenture stock issued or to be issued, under the authority of this Act, shall rank equally with the debentures issued or to be issued by the company.

Debenture  
stock how  
ranked.

11. The company having issued debenture stock may from time to time, as they think fit, and for the interest of the company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Cancellation  
of debenture  
stock.

12. The directors before the issue of debenture stock under the provisions of this Act shall first obtain the consent of the shareholders present at a general meeting specially called for that purpose.

Assent of  
shareholders  
to issue of de-  
benture stock.

13. The company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of two-thirds of the shareholders present, or represented by proxy, at a special meeting to be called for that purpose; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the company has any agency.

Agencies in  
United  
Kingdom.

14. The said company shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any share or shares of its stock, or debenture stock, or to which any deposit or any other moneys payable by or in the hands of such company, may be subject: and the receipt of the party or parties in whose name such share or shares, debenture stock or moneys stand in the books of the company, shall, from time to time, be sufficient discharge to the company for any payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the company has had notice of such trust; and the company shall not be bound to see to the application of the money paid upon such receipt. (See R. S. O., cap. 169, sec. 65.)

Company not  
bound to see  
to execution  
of trusts.

Extent of  
borrowing  
powers.

**15.** The said company may issue debentures to such an amount as, with all the other liabilities of the company to the public, shall be equal to double the amount of the paid up, unimpaired, fixed and permanent capital or shares not liable to be withdrawn therefrom, together with a further sum which may be equal to but shall not exceed the amount unpaid upon the subscribed, fixed and permanent capital upon which not less than twenty per cent. has been paid ; provided, that in no case shall the total liabilities to the public exceed three times the amount paid upon fixed and permanent shares in the company ; provided, that nothing in this Act contained shall in any way impair or affect the validity of any debentures issued by the said company pursuant to the provisions of any Act in that behalf, prior to the passage of this Act. (R. S. O., cap. 169, sec. 68, sub-section 1.)





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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting the Central Canada Loan  
and Savings Company of Ontario.

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First Reading, 19th February, 1890.  
Second " 7th March, 1890.

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*(Reprinted as amended by Committee of  
the Whole House.)*

(Private Bill.)

Mr. LEYB.

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TORONTO:

Printed by WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to incorporate the Dunnville, Attercliffe and  
Smithville Railway Company.

WHEREAS George A. McCallum, Stephen Haney, Francis Preamble.

R. Lalor, W. D. Swayze and John S. Brown, of the village of Dunnville, in the county of Haldimand, Richard Hicks, of the township of Moulton, in said county, and Hugh Crawford, of the township of Canboro, in the said county, have, by their petition, represented that it is desirable that a railway be constructed from the village of Dunnville, in the county of Haldimand, through the township of Moulton, in said county, to Attercliffe station, on the line of the Canada Southern railway, and across said railway, at or near that point, and through the township of Canboro, in the county of Haldimand, and through the township of Gainsboro', in the county of Lincoln, to the village of Smithville, in said county; and have prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20 1. George A. McCallum, Stephen Haney, Francis R. Lalor, Incorporation.  
W. D. Swayze, John S. Brown, Richard Hicks and Hugh  
Crawford hereinbefore mentioned, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of "The Dunnville, Attercliffe and Smithville Railway Company."

2. The said company shall have full power and authority to Location of line.  
survey, lay out, construct, complete, equip and operate a single or double line of railway, from a point in the village of Dunnville, in the county of Haldimand, through the township of Moulton, in said county, to or near Attercliffe station, on the line of the Canada Southern railway, and crossing said Canada Southern railway, thence through the township of Canboro, in the county of Haldimand, and the township of Gainsboro, in the county of Lincoln, to a point in the village of Smithville, in said last named county.

3. The gauge of the said railway shall be four feet eight Gauge.  
and one-half inches.

4. The said George A. McCallum, Stephen Haney, Francis Provisional directors.  
40 R. Lalor, W. D. Swayze, John S. Brown, Richard Hicks and  
Hugh Crawford, with power to add to their number, shall be

and are hereby constituted a board of provisional directors of said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of  
provisional  
directors.

Rev. Stat. c.  
170.

5. The said board of provisional directors shall have power 5  
forthwith to open stock books and procure subscriptions of  
stock for the undertaking and to allot the stock and receive  
payments on account of the stock subscribed, and to make  
calls upon subscribers in respect to their stock, and to sue for  
and recover the same, and to cause plans and surveys to be 10  
made, and to deposit in any chartered bank of Canada having  
an office in the Province of Ontario, all moneys received by  
them on account of stock subscribed, and to withdraw the same  
for the purposes of the undertaking; and to receive for the  
company any grant, loan, bonus, or gift, made to it or in aid 15  
of the undertaking, and to enter into any agreement respect-  
ing the conditions or disposition of any gift or bonus in aid  
of the railway; and with all such other powers as under *The*  
*Railway Act of Ontario*, are vested in ordinary directors. The  
said directors, or a majority of them, or the board of directors, 20  
to be elected as hereinafter mentioned, may, in their discretion,  
exclude any one from subscribing for stock, who, in their  
judgment, would hinder, delay or prevent the company from  
proceeding with and completing their undertaking, under the  
provisions of this Act; and if, at any time, a portion or more 25  
than the whole stock shall have been subscribed, the said pro-  
visional directors, or board of directors, shall allocate and  
apportion it amongst the subscribers as they shall deem most  
advantageous, and conducive to the furtherance of the under-  
taking, and in such allocation the said directors may, in 30  
their discretion, exclude any one or more of the said subscribers,  
if, in their judgment, such exclusion will best secure the build-  
ing of the said railway; and all meetings of the provisional  
board of directors shall be held in the village of Dunnville, or  
at such other place as may best suit the interest of the said 35  
Company.

Form of con-  
veyance.

6. Conveyances of land to the said company for the pur-  
poses of this Act, made in the form set forth in schedule A  
to this Act, or to the like effect, shall be sufficient conveyance  
to said company, their successors and assigns, of the estate or 40  
interest therein mentioned, and sufficient bar of dower respec-  
tively, of all persons executing the same; and such convey-  
ances shall be registered in such manner and upon such proof  
of execution, as is required under the registry laws of Ontario,  
and no registrar shall be entitled to demand more than seventy- 45  
five cents for registering the same, including all entries and  
certificates thereof, and certificates endorsed on the duplicates  
thereof.

Subscriptions  
not binding  
till approved  
and ten per  
cent. paid.

7. No subscription for stock in the capital of the company  
shall be binding on the said company, unless it shall be ap- 50  
proved by resolution of the directors, nor unless ten per  
centum of the amount subscribed has been actually paid  
thereon within one month after subscription.

Aid to com-  
pany.

8. The said company may receive from any government, or  
from any persons or bodies corporate, municipal or politic, who 55

may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

9. The capital stock of the company hereby incorporated, **Capital stock.** shall be \$150,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*.) to be divided into 1,500 shares of \$100 each, and shall be raised by **Rev. Stat. c. 170.**

10 the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with

15 the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such

20 preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality, from the capital stock of the said company, or be allowed to it in payment of stock.

10. When and so soon as shares to the amount of \$100,000 **First election of directors.**

30 of capital stock in said company shall have been subscribed, and ten per cent. paid thereon, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in

35 the *Ontario Gazette*, and in one or more newspapers published in the village of Dunnville in the county of Halimand, and in the city of St. Catharines, in the county of Lincoln, of the time, place and purpose of said meeting.

11. At such general meeting the shareholders present, who **Number of directors and quorum.**

40 shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons as hereinafter mentioned, to be directors of the said company, (of whom a majority shall be a quorum,) and may also pass such rules, regulations and by-laws as may be deemed expedient, provided

45 they be not inconsistent with this Act and *The Railway Act of Ontario.* **Rev. Stat. c. 170.**

12. No person shall be qualified to be elected as such **Qualifications of directors.**

director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company, and unless less he has paid up all calls thereon.

13. The directors may, from time to time, make calls as **Calls.**

they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be

55 given of each call, as provided in section 10 of this Act.



Certain payments may be made in stock or bonds.

14. The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers and contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not, and any agreement so made shall be binding on the company.

Annual meeting.

15. Thereafter the annual general meeting of the shareholders of the said company shall be held in the said village of Dunnville, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the village of Dunnville, and in the city of St. Catharines, during the four weeks preceding the week in which such meeting is to be held.

Special meetings.

16. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway, or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Proviso.

Provisions as to bonus by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way, and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act*.

Rev. Stat. c. 184.



(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* as aforesaid. Rev. Stat. c 184.

5 (4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, 10 being duly qualified voters as aforesaid.

19. Such by-law shall in each instance provide:—

By-law, what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality, as the case may be, mentioned in the petition, by the issue of debentures of the 15 county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property 20 lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special rate, sufficient to include a sinking fund, for the repayment of the said debentures within twenty years, with interest thereon, payable yearly, or half yearly, which 25 debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council 30 against submitting the said by-law, upon the ground that certain minor municipalities, or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county, of 35 a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed 40 by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the 45 railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expenses of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

50 21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality. "Minor municipality," meaning of

Deposit for  
expenses.

**22.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses incurred, or to be incurred in submitting said by-law.

If by-law car-  
ried council to  
pass same

**23.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then, within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. 5

And issue de-  
bentures.

**24.** Within one month after the passing of such by-law, the said council, and the mayor, warden, reeve, or other head or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act. 10 15

Levying rate  
on portion of  
a municipal-  
ity.

**25.** In case any such loan, guarantee, or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. 20

Application of  
municipal acts  
as to by-laws.

**26.** The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. 25

Extension of  
time for com-  
mencement.

**27.** The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law, or by-laws, granting such aid from time to time; provided, that no such extension shall be for a longer period than one year. 30

Extension of  
time for com-  
pletion.

**28.** It shall and may be lawful for the council of any municipality that may grant aid, by way of bonus, to the said company, by resolution, or by-law, to extend the time for the completion of the works, (on the completion of which the said company would be entitled to such bonus,) from time to time; provided that no such extension shall be for a longer period than one year at a time. 35

Rate not ex-  
ceeding three  
cents in the  
dollar valid.

**29.** Any municipality, or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company, toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided, that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein. 40 45

Proviso.

Exemption  
from taxation.

**30.** It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially 50

passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

**31.** Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift, to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person, or body corporate or politic; and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

**32.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway; and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

**33.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey; and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Grants of land.

Power to purchase whole lots.

Rev. Stat. c. 170.

Acquiring gravel, etc., for construction and maintenance of railway.

Rev. Stat. c. 170.



Sidings to  
gravel pits.

**34.** (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section, may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Rev. Stat. c.  
170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of  
debentures.

**35.** Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus, or gift, to the railway company, the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee, or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council; and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of pro-  
ceeds of debentures.

**36.** The said trustees shall receive the said debentures, or bonds, in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time and manner to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale, in some chartered bank having an office in the Province of Ontario, in the name of "The Dunnville, Attercliffe and Smithville Railway," and to pay the same out to the said company from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to like effect, which certificate shall set forth that the conditions

of the by-law have been complied with, and is to be attached to the cheque, or order, drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate, under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

37. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to trustees.

38. The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, and including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$11,000 per mile; and provided, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Issue of bonds.

Proviso.

Proviso.

39. All such bonds, debentures, and other securities, and coupons, and interest warrants thereon, respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of bonds.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums of not less than \$100, and any such promissory note or bill made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president, or the secretary be individually responsible for the same, unless

Negotiable instruments.



Proviso.

the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. 5

Pledging bonds.

41. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue, for the construction of the said railway. 10

Agreements with other companies.

42. It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such agreement—person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock, and other movable property from such companies, or persons, for such time, or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company, or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other movable property of the other, or others of them, on such terms as to compensation and otherwise, as may be agreed upon. 15 20

Agreement with other companies.

43. The said company shall have power to agree for connections, and make running arrangements with the Canada Southern Railway Company, the Michigan Central Railway Company, the Toronto, Hamilton and Buffalo Railway Company, or any other railway company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with the said railway company, if lawfully authorized to enter into such an agreement, for the sale, or leasing, or hiring of any portion of their railway, or the use thereof, or for the sale, or leasing, or hiring any locomotives, tenders, plant or rolling stock, or other property, of either, or of both, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding, according to the terms and tenor thereof; and the company purchasing, leasing, or entering into such an agreement for using the said railway, may, and are hereby authorized, to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. 25 30 35 40 45 50

Telegraph lines.

44. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by *The Act respecting* 55

*Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

- 5 **45.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. Rights of aliens.
- 10 **46.** Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock, or scrip certificates issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.
- 15 **47.** The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power to hold additional property.
- 20 **48.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Power to collect back charges on goods.
- 30 **49.** The said railway shall be commenced within three years, and completed within six years from the passing of this Act. Commencement and completion of railway.

## SCHEDULE A.

### (Section 6.)

Know all men by these presents, that I, (or we,) [*insert the name of the vendors*], in consideration of \_\_\_\_\_ dollars paid to me, (or us,) by the Dunnville, Attercliffe and Smithville Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I, (or we,) [*insert the name of any other party or parties*] in consideration of \_\_\_\_\_ dollars, paid to me, (or us,) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel, (or those certain parcels, *as the case may be*,) of land, [*describe the land*], the same having been selected and laid out by the

said company for the purposes of their railway, to hold with the appurtenances unto the said Dunnville, Attercliffe and Smithville Railway Company, their successors and assigns for ever, [*here insert any other clauses or conditions required,*] and I, (or we,) the wife, (or wives,) of the said do hereby bar my, (or our,) dower in the said lands.

As witness my, (or our,) hand and seal, (or hands and seals,) this                      day of                      , A.D. 18     .

Signed, sealed and delivered {  
in presence of                      } [L.S.]

## SCHEDULE B.

(Section 36.)

### CHIEF ENGINEER'S DEPARTMENT

The Dunnville, Attercliffe and Smithville Railway Company's Office.

No.      Engineer's Department,                      , A.D. 18

Certificate to be attached to cheques drawn on the Dunnville, Attercliffe and Smithville Railway Company Municipal Trust Account, given under section                      , chapter                      , of the Acts of the Legislature of Ontario, passed in the                      year of Her Majesty's reign.

I,                      (A.B.)                      , Chief Engineer of the Dunnville, Attercliffe and Smithville Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.                      , of the township of                      , (or under the agreement dated the                      day of                      , between the corporation of                      and the said company,) to entitle the said company to receive from the said trust the sum of                      . [*Here set out the terms and conditions, if any, which have been fulfilled.*]





No. 52.

4th Session, 6th Legislature, 53 Vic., 1830.

BILL.

An Act to incorporate the Dunnville, Attercliffe and Smithville Railway Company.

First Reading , 1890.

(Private Bill.)

Mr. HARCOURT.

TORONTO :

PRINTED BY WARWICK & SON, 68 AND 70 FRONT ST. W.

An Act to incorporate the Dunnville, Attercliffe and  
Smithville Railway Company.

WHEREAS George A. McCallum, Stephen Haney, Francis Preamble.

R. Lalor, W. D. Swayze and John S. Brown, of the village of Dunnville, in the county of Haldimand, Richard Hicks, of the township of Moulton, in said county, and Hugh Crawford, of the township of Canboro, in the said county, have, by their petition, represented that it is desirable that a railway be constructed from the village of Dunnville, in the county of Haldimand, through the township of Moulton, in said county, to Attercliffe station, on the line of the Canada Southern railway, and across said railway, at or near that point, and through the township of Canboro, in the county of Haldimand, and through the township of Gainsboro', in the county of Lincoln, to the village of Smithville, in said county; and have prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. George A. McCallum, Stephen Haney, Francis R. Lalor, Incorporation.  
W. D. Swayze, John S. Brown, Richard Hicks and Hugh Crawford hereinbefore mentioned, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of "The Dunnville, Attercliffe and Smithville Railway Company."

2. The said company shall have full power and authority to Location of line.  
survey, lay out, construct, complete, equip and operate a single or double line of railway, from a point in the village of Dunnville, in the county of Haldimand, through the township of Moulton, in said county, to or near Attercliffe station, on the line of the Canada Southern railway, and crossing said Canada Southern railway, thence through the township of Canboro, in the county of Haldimand, and the township of Gainsboro, in the county of Lincoln, to a point in the village of Smithville, in said last named county.

3. The gauge of the said railway shall be four feet eight Gauge.  
and one-half inches.

4. The said George A. McCallum, Stephen Haney, Francis Provisional directors.  
R. Lalor, W. D. Swayze, John S. Brown, Richard Hicks and Hugh Crawford, with power to add to their number, shall be

and are hereby constituted a board of provisional directors of said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of  
provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking and to allot the stock and receive payments on account of the stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same, and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus, or gift, made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking, under the provisions of this Act; and if, at any time, a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous, and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held in the village of Dunnville, or at such other place as may best suit the interest of the said Company.

Rev. Stat. c.  
170.

Form of con-  
veyance.

6. Conveyances of land to the said company for the purposes of this Act, made in the form set forth in schedule A to this Act, or to the like effect, shall be sufficient conveyance to said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution, as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions  
not binding  
till approved  
and ten per  
cent. paid.

7. No subscription for stock in the capital of the company shall be binding on the said company, unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to com-  
pany.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other

securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

9. The capital stock of the company hereby incorporated, shall be \$150,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*.) to be divided into 1,500 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works, may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality, from the capital stock of the said company, or be allowed to it in payment of stock.

Capital stock.

Rev. Stat. c.  
170.

10. When and so soon as shares to the amount of \$100,000 of capital stock in said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the village of Dunnville in the county of Haldimand, and in the city of St. Catharines, in the county of Lincoln, of the time, place and purpose of said meeting.

First election  
of directors.

11. At such general meeting the shareholders present, who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect five persons as hereinafter mentioned, to be directors of the said company, (of whom a majority shall be a quorum,) and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Number of  
directors and  
quorum.

Rev. Stat. c.  
170.

12. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Qualifications  
of directors.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 15 of this Act.

Calls.



Certain payments may be made in stock or bonds.

14. The provisional directors, or the elected directors, may pay, or agree to pay, in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers and contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not, and any agreement so made shall be binding on the company.

Annual meeting.

15. Thereafter the annual general meeting of the shareholders of the said company shall be held in the said village of Dunnville, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the village of Dunnville, and in the city of St. Catharines, during the four weeks preceding the week in which such meeting is to be held.

Special meetings.

16. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway, or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Proviso.

Provisions as to bonus by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way, and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act and the amendments thereto*.

Rev. Stat. c. 184.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act and the amendments thereto* as aforesaid. Rev. Stat. c. 184.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

**19.** Such by-law shall in each instance provide:—

By-law, what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality, as the case may be, mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special rate, sufficient to include a sinking fund, for the repayment of the said debentures within twenty years, with interest thereon, payable yearly, or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

**20.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities, or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expenses of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order. Provisions for referring to arbitration disputes as to bonus by-laws.

**21.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality. "Minor municipality," meaning of

Deposit for expenses.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried council to pass same

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then, within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

And issue debentures.

24. Within one month after the passing of such by-law, the said council, and the mayor, warden, reeve, or other head or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act.

Levying rate on portion of a municipality.

25. In case any such loan, guarantee, or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of municipal acts as to by laws.

26. The provisions of *The Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law, or by-laws, granting such aid from time to time; provided, that no such extension shall be for a longer period than one year.

Extension of time for completion.

28. It shall and may be lawful for the council of any municipality that may grant aid, by way of bonus, to the said company, by resolution, or by-law, to extend the time for the completion of the works, (on the completion of which the said company would be entitled to such bonus,) from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not exceeding three cents in the dollar valid.

29. Any municipality, or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company, toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided, that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Proviso.

Exemption from taxation.

30. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or in which it is situate, by by-law specially



passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

**31.** Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift, to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person, or body corporate or politic; and shall have power to sell or otherwise dispose of the same for the benefit of the said company. Grants of land.

**32.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway; and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Power to purchase whole lots.  
Rev. Stat. c. 170.

**33.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey; and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring gravel, etc., for construction and maintenance of railway.  
Rev. Stat. c. 170.



Sidings to  
gravel pits.

Rev. Stat. c.  
170.

**34.** (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section, may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Rev. Stat. c.  
170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of  
debentures.

**35.** Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus, or gift, to the railway company, the debentures therefor, shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee, or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council; and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council

Trusts of pro-  
ceeds of debentures.

**36.** The said trustees shall receive the said debentures, or bonds, in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale, in some chartered bank having an office in the Province of Ontario, in the name of "The Dunnville, Attercliffe and Smithville Railway *Municipal Trust Account*," and to pay the same out to the said company from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the condi-

tions of the by-law have been complied with, and is to be attached to the cheque, or order, drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate, under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

**37.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

**38.** The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$11,000 per mile; and provided, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Issue of bonds.  
  
Proviso.  
  
Proviso.

**39.** All such bonds, debentures, and other securities, and coupons, and interest warrants thereon, respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Transfer of bonds.

**40.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums of not less than \$100, and any such promissory note or bill made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president, or the secretary be individually responsible for the same, unless Negotiable instruments.

**Proviso.**

the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

**Pledging bonds.**

**41.** The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue, for the construction of the said railway.

**Agreements with other companies.**

**42.** It shall be lawful for the directors of the company to enter into agreement with any company or companies—if lawfully authorized to enter into such agreement—person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock, and other movable property from such companies, or persons, for such time, or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company, or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other movable property of the other, or others of them, on such terms as to compensation and otherwise, as may be agreed upon.

**Agreement with other companies.**

**43.** The said company shall have power to agree for connections, and make running arrangements with the Canada Southern Railway Company, the Michigan Central Railway Company, or the Toronto, Hamilton and Buffalo Railway Company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with *either of the said railway companies*, if lawfully authorized to enter into such an agreement, for the sale, or leasing, or hiring of any portion of their railway, or the use thereof, or for the sale, or leasing, or hiring any locomotives, tenders, plant or rolling stock, or other property, of either, or of both, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting, in person or by proxy, at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding, according to the terms and tenor thereof; and the company purchasing, leasing, or entering into such an agreement for using the said railway, may, and are hereby authorized, to work the said railway, and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

**Telegraph lines.**

**44.** The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting*



*Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company.

**45.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. Rights of  
shares

**46.** Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock, or scrip certificates issued in respect of shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of  
shares.

**47.** The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power to hold  
additional  
property.

**48.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Power to col-  
lect back  
charges on  
goods.

**49.** The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act. Railway Act  
incorporated.

**50.** The said railway shall be commenced within three years, and completed within six years from the passing of this Act. Commence-  
ment and com-  
pletion of rail-  
way.

## SCHEDULE A.

### (Section 6.)

Know all men by these presents, that I, (or we,) [insert the name of the vendors], in consideration of \_\_\_\_\_ dollars



paid to me, (or us) by the Dunnville, Attercliffe and Smithville Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I, (or we, [*insert the name of any other party or parties*]) in consideration of \_\_\_\_\_ dollars, paid to me, (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain piece, (or those certain pieces, *as the case may be*) of land, [*describe the land*], the same having been selected and laid out by the said company for the purposes of the railway, to hold with the appurtenances unto the said Dunnville, Attercliffe and Smithville Railway Company, their successors and assigns for ever, [*here insert any special uses, covenants or conditions required*] and I, (or we, the wife, (or wives,) of \_\_\_\_\_ the said do hereby bar my, (or our,) dower in the said lands.

As witness my, (or our,) hand and seal, (or hands and seals,) this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_.

Signed, sealed and delivered }  
in presence of \_\_\_\_\_ } [L.S.]

## SCHEDULE B.

(Section 36.)

### CHIEF ENGINEER'S CERTIFICATE.

The Dunnville, Attercliffe and Smithville Railway Company's Office.

No. \_\_\_\_\_ Engineer's Department, \_\_\_\_\_, A.D. 18 \_\_\_\_.

Certificate to be attached to cheques drawn on the Dunnville, Attercliffe and Smithville Railway Company Municipal Trust Account, given under section \_\_\_\_\_, chapter \_\_\_\_\_, of the Acts of the Legislature of Ontario, passed in the \_\_\_\_\_ year of Her Majesty's reign.

I, (A.B.) \_\_\_\_\_, Chief Engineer of the Dunnville, Attercliffe and Smithville Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. \_\_\_\_\_, of the township of \_\_\_\_\_, (or under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_, between the corporation of \_\_\_\_\_ and the said company,) to entitle the said company to receive from the said trust the sum of \_\_\_\_\_. [*Here set out the terms and conditions, if any, which have been fulfilled.*]



No. 52.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to incorporate the Dunnville, Attercliffe and Smithville Railway Company.

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First Reading, 25th February, 1890.

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*(Reprinted as amended by Railway  
Committee.)*

(Private Bill.)

Mr. HARCOURT,

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

## An Act respecting the Inndale, Bancroft and Ottawa Railway Company.

**W**HEREAS the Inndale, Bancroft and Ottawa Railway Preamble.  
Company have petitioned for certain amendments to  
their Act of incorporation and the Acts amending the same,  
and whereas it is expedient to grant the prayer of the said  
5 petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The time for the building and completion of the said  
10 railway is hereby extended to the first day of January, 1896. Extension of  
time for com-  
pletion of  
work.

2. The company may secure the bonds, debentures or other  
securities which it is authorized to issue for the purpose of  
raising money for prosecuting the said undertaking by a deed  
or deeds of mortgage executed by the company with the  
15 authority of its shareholders, approved by a resolution passed  
at a special general meeting of the shareholders called for the  
purpose, and any such deed may contain such description of  
the property mortgaged by such deed, and such conditions  
respecting the payment of the bonds secured thereby, and of  
20 the interest thereon, and the remedy to be enjoyed by the  
holders of such bonds, or by any trustee or trustees for them,  
in default of such payment and the enforcement of such reme-  
dies, and may provide for such forfeitures and penalties in  
default of such payment as are approved of by such meeting;  
25 and such deed may also contain, with the approval aforesaid,  
authority to the trustee or trustees upon such default as one  
of such remedies to take possession of the railway and pro-  
perty mortgaged, or such portion or part thereof as may be so  
mortgaged, and to hold and work the same for the benefit of  
30 the bondholders thereof, for a time to be limited by such deed,  
or to sell the said railway and property after such delay, and  
upon such notice, terms and conditions as are stated in such  
deed, and with like approval any such deed may contain pro-  
visions to the effect, and upon such default and upon such  
35 other conditions as are described in such deed, that the right  
of voting possessed by the shareholders of the company shall  
cease and determine, and shall thereafter appertain to the  
bondholders, and such deed may also provide for the condi-  
tional or absolute cancellation, after such sale, of any or all of  
40 the shares so deprived of voting power, and may also, either  
directly by its terms, or indirectly by a reference to the by-  
laws of the company, provide for the mode of enforcing and  
exercising the powers and authorities to be conferred and  
defined by such deed under the provisions thereof, and such

Power to  
secure bonds  
of company by  
mortgage.



deed and such provisions thereof as purport, with like approval, to grant such further and other powers and privileges to such trustee or trustees, and to such bondholders as are not contrary to law or the provisions of the charter, shall be valid and binding.

5

Deposit of  
copy of bonds  
or mortgage  
with Provin-  
cial Secretary  
in lieu of  
registration.

3. It shall not be necessary, in order to preserve the lien, charge or privilege purporting to appertain to, or be created by any bond issued, or mortgage deed executed under the provisions of this charter, that such bond or deed should be registered in any manner, or in any place whatever, but that such 10 mortgage deed shall be deposited in the office of the Provincial Secretary for the Province of Ontario, of which deposit notice shall be given in the *Ontario Gazette*, and a copy of such mortgage deed, certified to be a true copy by the Provincial Secretary or his deputy, shall be received as *prima facie* evi- 15 dence of the original in all courts without proof of the signature or seal upon such original.

Issue of bonds  
not to exceed  
\$15,000 per  
mile.

4. The whole amount of bonds to be issued by the company and existing at any one time as a charge upon the line of railway and property of the company shall not exceed the sum 20 of \$15,000 per mile for the length of railway constructed or under contract to be constructed at the time of the issue of such bonds.



No. 53.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Ironlake, Bancroft  
and Ottawa Railway Company.

First Reading.	1890.
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(Private Bill.)

MR. WOOD,  
(*Hastings*.)

TORONTO:

Printed by WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 53.]

## BILL

[1890.]

### An Act respecting the Irondale, Bancroft and Ottawa Railway Company.

**W**HEREAS the Irondale, Bancroft and Ottawa Railway Company have petitioned for certain amendments to their Act of incorporation, and the Acts amending the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time for the building and completion of the said railway is hereby extended to the first day of January, 1896.

Extension of  
time for com-  
pletion of  
work.



BILL.

An Act respecting the Irondale, Bancroft  
and Ottawa Railway Company.

First Reading, 13th March, 1890.

*(Reprinted as amended by Railway  
Committee.)*

(Private Bill.)

MR. WOOD,  
*(Hastings).*

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to Incorporate the Town of Walkerville.

WHEREAS the unincorporated village of Walkerville, in Preamble.  
the township of Sandwich East, in the county of Essex,  
has a population of one thousand souls or thereabouts; and  
whereas the population of the said village is rapidly increasing  
5 and will continue to increase in consequence of being the  
northern terminus of the Lake Erie, Essex & Detroit River  
Railway, and of being on the line of the Great Western divi-  
sion of the Grand Trunk Railway, and from other causes; and  
whereas important manufacturing industries are established in  
10 the said village giving employment to a large number of  
artisans and other workmen; and whereas the inhabitants of  
the said village have, by their petition, represented that they  
are desirous of having the said village incorporated as a town  
in order to enable them to carry out and extend certain neces-  
15 sary public improvements which can be more rapidly effected  
under the powers granted to towns; and whereas it is expedi-  
ent to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
20 as follows :—

1. From and after the holding of the first election under  
this Act the inhabitants of the said village of Walkerville shall  
be an: they are hereby constituted a corporation or body politic  
under the name of "The Corporation of the Town of Walker-  
25 ville," apart from the township of Sandwich East, in which the  
said village is situate, and shall enjoy and have all the rights,  
powers and privileges which could have been enjoyed and  
exercised by the said town of Walkerville if the same had been  
incorporated as a town under *The Municipal Act*, except where  
30 otherwise provided by this Act. Town of  
Walkerville  
incorporated.  
  
Rev. Stat. c.  
184.

2. The said town of Walkerville shall comprise and consist  
of all that part of the said township of Sandwich East described  
as follows: Commencing at the south-west angle of lot num-  
bered ninety-four (McNiff's survey) in the first concession of  
35 the said township of Sandwich East; thence northerly follow-  
ing the west limit of said lot and said limit produced one hun-  
dred and fifty-one chains and twenty-five links, more or less,  
to the channel bank of the river Detroit; thence easterly fol-  
lowing said channel bank to its intersection with the produced  
40 easterly limit of lot numbered ninety-eight (McNiff's survey)  
in the first concession of the said township of Sandwich East;  
thence southerly following said easterly limit and its produc-  
tion one hundred and forty-three chains and eighty-five links  
to the northerly limit of the road known as the Tecumseh

road ; thence westerly following said northerly limit sixty-one chains and sixty-four links, more or less, to the place of beginning.

Wards.

3. The said town of Walkerville shall be divided into three wards, to be called respectively St. Andrew ward, St. George ward and St. Denis ward. St. Andrew ward shall be composed of that part of the said town described as follows: Commencing at the south-west angle of farm lot numbered ninety-four ; thence northerly following the west limit of said lot and its production to the channel bank of the river Detroit ; thence easterly following said channel bank to its intersection with the produced centre line of Second street ; thence southerly following said centre line and its production to the Tecumseh road ; thence westerly following said road to the place of beginning. St. George ward shall be composed of that part of the said town described as follows: Commencing at the intersection of the channel bank of the river Detroit with the produced centre line of Second street ; thence southerly following said centre line and its production to the Tecumseh road ; thence easterly following said road to the centre line of the Walker road ; thence northerly following the said centre line and its production to the channel bank of the river Detroit ; thence westerly following said channel bank to the place of beginning. St. Denis ward shall be composed of that part of the said town described as follows: Commencing at the intersection of the channel bank of the river Detroit with the produced centre line of the Walker road ; thence southerly following the said centre line and its production to the Tecumseh road ; thence easterly following said Tecumseh road to the south-east angle of farm lot numbered ninety-eight ; thence northerly following the easterly limit of said lot and its production to the channel bank of the river Detroit ; thence westerly following said channel bank to the place of beginning.

Nomination for first election of mayor and councillors.

4. After the passing of this Act it shall be lawful for William Robins, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor and councillors at the Music hall in the said town of Walkerville at the hour of noon on Monday, the 5th day of May, 1890 ; and the said William Robins shall preside at the said nomination, or in case of his absence the electors shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer ; and the polling for said election, if necessary, shall be held on the same day of the week next following, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling is to take place.

Deputy returning officers.

5. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the said town is divided ; and such returning officer and each of such returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns in so far as the same do not conflict with this Act ; and the said returning officer shall have all the powers and perform the

several duties devolving on town clerks with respect to municipal elections in towns.

6. The clerk of the said township of Sandwich East and any other officer thereof shall, upon demand made upon him by the  
 5 said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said village and town-  
 10 ship as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the  
 15 names of the electors entitled to vote in each of the said wards respectively and each such copy shall be verified on oath.

Clerk of township of Sandwich East to furnish copy of assessment roll.

7. The council of the said town to be elected in the manner aforesaid shall consist of a mayor, who shall be the head  
 thereof, and six councillors, two councillors being elected for  
 20 each ward: and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of nomination; and subsequent elections shall be held in the same manner as in towns incorporated  
 25 under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on  
 30 such councils.

Council.

8. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Oaths of office and qualification.

9. At the first election of mayor and councillors for the said town of Walkerville the qualifications of electors and those of  
 35 officers required to qualify shall be the same as those required in townships by the municipal laws of Ontario, and the qualification of mayor and councillors shall be the same as that of a  
 40 reeve and councillors in an incorporated village.

Qualification at first election.

10. The council of the said town of Walkerville shall be entitled to recover from the said township of Sandwich East  
 such share of all moneys on hand, due, owing and of right collectable by and belonging to the said township at and prior  
 45 to the said time of incorporation or thereafter if entitled thereto as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town, as shown by the collector's roll of the year 1889 bears to the whole amount of the assessed property of the said township of Sand-  
 50 wich East each to each, and the said town shall be liable to pay to the said township a share in the same proportion of all debts and liabilities existing against the said township at the time this Act shall come into force as the same shall become due, and which are fairly and equitably chargeable against the

Assets and liabilities.



said town, and in case of dispute the share to be borne by each respectively shall be ascertained and settled under the provisions of the municipal laws of Ontario.

Separation of town from county of Essex.

**11.** The said town of Walkerville shall be a town separate from the county, and the amount which the town shall have to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office and for providing books for the same, and for services for which the county is liable as required by and under the provisions of any Act respecting registration of instruments relating to land, as well as for any existing debt of the county, shall be an amount bearing the same proportion to the amount paid for similar purposes by the said township of Sandwich East to the county of Essex in the year one thousand eight hundred and eighty-nine, exclusive of the amount for roads and bridges, as that portion of the township of Sandwich East, now known as the town of Walkerville, bears to the whole of the said township of Sandwich East; but subject to a reduction from year to year as the existing debt of the county is reduced.

Time for taking assessment.

**12.** The council of the said town of Walkerville may pass a by-law for taking the assessment of the said town for the year from the first of January to the thirty-first of December one thousand eight hundred and ninety, between the first day of May and the first day of August one thousand eight hundred and ninety; and if any such by-law extends the time for making and completing the assessment rolls beyond the first day of June one thousand eight hundred and ninety, then the time for closing the court of revision shall be six weeks from the day to which such time is extended and the final return by the judge twelve weeks from that day.

Expenses of Act.

**13.** The expenses incurred in obtaining this Act and those of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.



4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to Incorporate the Town of Walker-  
ville.

First Reading,	1890.
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(Private Bill.)

MR. BALFOUR.

TORONTO :


PRINTED BY WARWICK & SONS, 68 and 70 Front St. W.

## An Act to Incorporate the Town of Walkerville.


**W**HEREAS the unincorporated village of Walkerville, in Preamble.  
the township of Sandwich East, in the county of Essex,  
has a population of one thousand souls or thereabouts; and  
whereas the population of the said village is rapidly increasing  
and will continue to increase in consequence of being the  
northern terminus of the Lake Erie, Essex & Detroit River  
Railway, and of being on the line of the Great Western divi-  
sion of the Grand Trunk Railway, and from other causes; and  
whereas important manufacturing industries are established in  
the said village giving employment to a large number of  
artisans and other workmen; and whereas the inhabitants of  
the said village have, by their petition, represented that they  
are desirous of having the said village incorporated as a town  
in order to enable them to carry out and extend certain neces-  
sary public improvements which can be more rapidly effected  
under the powers granted to towns; and whereas it is expedi-  
ent to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—



1. From and after the holding of the first election under Town of  
this Act the inhabitants of the said village of Walkerville shall Walkerville  
be and they are hereby constituted a corporation or body politic incorporated.  
under the name of "The Corporation of the Town of Walkerville," apart from the township of Sandwich East, in which the  
said village is situate, and shall enjoy and have all the rights,  
powers and privileges which could have been enjoyed and  
exercised by the said town of Walkerville if the same had been  
incorporated as a town under *The Municipal Act*, except where  
otherwise provided by this Act. Rev. Stat. c.  
184.

2. The said town of Walkerville shall comprise and consist Boundaries of  
of all that part of the said township of Sandwich East described town.  
as follows:  Commencing at the south-west angle of lot  
numbered ninety-four (McNiff's survey) in the first concession of  
said township; thence northerly following the west limit of  
said lot and said limit produced one hundred and fifty-one  
chains and twenty-five links, more or less, to the channel  
bank of the river Detroit; thence easterly following said  
channel bank forty-one chains and forty-two links; thence  
southerly and parallel with the above-mentioned west  
limit six chains to the north limit of Sandwich street;  
thence westerly following said northerly limit sixty-seven  
links; thence southerly parallel with the above-mentioned  
west limit nine chains and eighty-eight links, to the



south limit of the Grand Trunk Railway Company's land; thence easterly following said south limit four chains fourteen links; thence southerly parallel with the east limit of lot 96, eleven chains fifteen links; thence westerly and at right angles to said east limit three chains twenty-seven links to the east limit of the Lake Erie, Essex, and Detroit river Railway Company's lands; thence southerly following said east limit one hundred and twenty-two chains, thirteen links to the north limit of the Tecumseh Road; thence westerly following said north limit to the place of beginning. 

#### Wards.

**3.** The said town of Walkerville shall be divided into three wards, to be called respectively St. Andrew ward, St. George ward and St. Denis ward.  St. Andrew's ward shall be composed of that part of the town described as follows: Commencing at the south-west angle of farm lot 94; thence northerly following the west limit of said lot and its production to the channel bank of the river Detroit; thence easterly following said channel bank to its intersection with the produced centre line of Second street; thence southerly following said centre line and its production to the centre of Assumption street; thence westerly following the centre of Assumption street to the centre of First street; thence southerly following the centre of First street and its production to Tecumseh road; thence westerly following said road to the place of beginning. St. George ward shall be composed of that portion of the town described as follows: Commencing at the intersection of the channel bank of the river Detroit with the produced centre line of Second street; thence southerly following said centre line and its production to the centre of Assumption street; thence westerly following the centre of said street to the centre of First street; thence southerly following the centre of First street and its production to Tecumseh road; thence easterly following said road to its intersection with the produced centre line of the alley between Third and Fourth streets; thence northerly following said centre line and its production to the channel bank of the River Detroit; thence westerly following said channel bank to the place of beginning. St. Denis ward shall be composed of that portion of the town described as follows: Commencing at the intersection of the channel bank of the river Detroit with the produced centre line of the alley between Third and Fourth streets; thence southerly following said centre line and its productions to the Tecumseh road; thence easterly following said road to the east limit of the town; thence northerly following said east limit to the channel bank of the river Detroit; thence westerly following said channel bank to the place of beginning. 

#### Nomination for first election of mayor and council- lors.

**4.** After the passing of this Act it shall be lawful for William Robins, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor and councillors at the Music hall in the said town of Walkerville at the hour of noon on Monday, the 5th day of May, 1890; and the said William Robins shall preside at the said nomination, or in case of his absence the electors shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a return-

ing officer; and the polling for said election, if necessary, shall be held on the same day of the week next following, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling is to take place.

5. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the said town is divided, and such returning officer and each of such returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

6. The clerk of the said township of Sandwich East and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said village and township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of the electors entitled to vote in each of the said wards respectively and each such copy shall be verified on oath.

7. The council of the said town to be elected in the manner aforesaid shall consist of a mayor, who shall be the head thereof, and nine councillors, three councillors being elected for each ward: and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of nomination; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

8. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

9. At the first election of mayor and councillors for the said town of Walkerville the qualifications of electors and those of officers required to qualify shall be the same as those required in townships by the municipal laws of Ontario, and the qualification of mayor and councillors shall be the same as that of a reeve and councillors in an incorporated village.

Assets and  
liabilities.

10. The council of the said town of Walkerville shall be entitled to recover from the said township of Sandwich East such share of all moneys received due, owing and of right collectable by and belonging to the said township at and prior to the said time of incorporation or thereafter if entitled thereto as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town, as shown by the assessment roll of the year 1889 bears to the whole amount of the assessed property of the said township of Sandwich East each to each, and the said town shall be liable to pay to the said township a share in the same proportion of all debts and liabilities existing against the said township at the time this Act shall come into force as the same shall become due, and which are fairly and equitably chargeable against the said town, and in case of dispute the share to be borne by each respectively shall be ascertained and settled under the provisions of the municipal laws of Ontario.

Separation of  
town from  
county of  
Essex.

11. The said town of Walkerville shall be a town separate from the county of Essex in the amount which the town shall have to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office and for providing books for the same, and for services for which the county is liable as required by and under the provisions of any Act respecting registration of instruments relating to lands, as well as for any existing debt of the county, shall be an amount bearing the same proportion to the amount paid for similar purposes by the said township of Sandwich East to the county of Essex in the year one thousand eight hundred and eighty-nine, exclusive of the amount levied by the county for county roads and bridges, as the assessment of that portion of the township of Sandwich East, now known as the town of Walkerville, bears to the whole of the said township of Sandwich East; and at the end of every five years, after the passing of this Act, a new agreement, or a new award, may be made to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice, the use of the gaol, erection and repairs of the registry office, or offices, the providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands.

Time for  
taking assess-  
ment.

12. The council of the said town of Walkerville may pass a by-law for taking the assessment of the said town for the year from the first of January to the thirty-first of December one thousand eight hundred and ninety, between the first day of May and the first day of August one thousand eight hundred and ninety; and if any such by-law extends the time for making and completing the assessment rolls beyond the first day of June one thousand eight hundred and ninety, then the time for closing the court of revision shall be six weeks from the day to which such time is extended and the final return by the judge twelve weeks from that day.

Expenses of  
Act.

13. The expenses incurred in obtaining this Act and those of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town or otherwise, shall be borne by the said town and paid by it to any person that may be entitled thereto.



No. 54.

4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act to Incorporate the Town of Walkerville.

First Reading, 26th February, 1890.

*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. BALFOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to Authorize the Sale of certain Lands of the  
First Baptist Church, Ottawa.

WHEREAS Stephen Wright, Nicholas S. Tarr, Alfred K. Blackadar, Charles Parson, William R. Stroud, Alfred

Preamble.

Ardley, Thomas Cooper Boville and James Taylor, the trustees of the First Baptist Church, Ottawa, have shewn by their  
5 petition that an indenture dated in the year of our Lord 1860, then duly registered in the proper registry office in that behalf, and made between Thomas B. Prentiss of the village of Aylmer, in the county of Ottawa, in the Province of Quebec, merchant, and William Jamieson  
10 of the city of Ottawa, baker, of the first part, and the said Thomas B. Prentiss, Thomas Warwicker the elder, of the said city of Ottawa, saddler, Thomas Booth, of the township of Gloucester, in the county of Carleton, lime burner, Alexander C. Campbell of the said city of Ottawa, merchant, the said  
15 William Jamieson and John Barnard of the township of Cumberland, in the county of Russell, yeomen, at that time the trustees of the close communion Baptist Church of the city of Ottawa, of the second part, the said parties of the first part did convey unto the said parties of the second part as such trustees  
20 the following lands and premises, that is to say, lot number twenty six on the south side of Queen street, in the said city of Ottawa, upon such and the same trusts, and to and for such and the same uses and purposes, and with, under and subject to such and the same powers, and to be controlled and managed  
25 by the like authorities, trustees and persons appointed and to be appointed, and with the same duties and powers as are expressed, contained and declared in and by the said indenture; and that the said Baptist church erected a meeting house on the said lot, and used the same as their place of  
30 public worship until the year 1874; and that by reason of the increase in the numbers of the members of the said church, the said meeting house became unfit for the purposes of a place of public worship, and the said church upwards of fifteen years ago ceased to use the same as a meeting house, and  
35 decided to sell said land and premises; and that the trustees of the said church have agreed to sell the said land and premises, but that by reason of the said land and premises having been taken and held under said indenture and that said indenture is expressed to be made expressly under an Act of the  
40 Provincial Parliament of the Province of Upper Canada, passed in the ninth year of the reign of His late Majesty, King George the Fourth, entitled An Act for the Relief of the Religions therein mentioned, and also under another Act of said parliament of the said Province, passed in the third year  
45 of the reign of Her Majesty, Queen Victoria, entitled An Act

to amend an Act passed in the ninth year of the reign of King George the Fourth, and that said statutes merely conferred upon said trustees named in said indenture the right to take lands, but did not confer upon them any right or power to sell and convey such lands, and that said statutes had been repealed before such indenture had been made, and that such indenture should have been taken and made under the provisions of chapter 59 of the Consolidated Statutes of Upper Canada, the only Act then in force in that behalf, they (the said trustees) and their successors in office have no power to convey and give a good title to the said land and premises to the purchasers thereof; and that the said William Jamieson, Alexander C. Campbell and John Barnard, three of the trustees named in said indenture, have departed this life, but successors to them as well as to the other of the said trustees have from time to time to the date hereof been regularly appointed by the said church, and now the said Stephen Wright, Alfred K. Blackadar, Charles Parson, William R. Stroud, Alfred Ardley, Thomas Cooper Boville and James Taylor are the present and duly elected and the only trustees of the said church; and the present trustees of the said First Baptist Church, Ottawa, have prayed that an Act may be passed authorizing them to sell and convey the said land and premises; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Present trustees authorized to sell lands.

1. The said the present trustees above named and their successors shall have full power and authority forthwith to sell and convey in fee simple or for any lesser estate the whole of the land and premises so granted to the said trustees named in said indenture and particularly described above, in such manner, for such price and upon such terms and conditions as may be deemed best to such the present trustees and their successors, and to convey and assure the same to the purchaser or purchasers thereof, and provided that the purchaser or purchasers shall be under no obligation to see to the application of the purchase money, and the said trustees and their successors are hereby declared to have acquired by virtue of their appointment to and the position they now occupy as trustees of the First Baptist Church, Ottawa, all the powers, privileges and authorities in reference to said lands and premises which are enumerated in chapter two hundred and thirty-seven of the revised Statutes of Ontario, entitled *An Act respecting the Property of Religious Institutions*.

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Mode of referring to Act in future conveyances.

2. All deeds and conveyances made under this Act may refer to this Act in manner or to the effect following:—  
 “This indenture made the       day of       in the year of Our Lord       under the authority of an Act of the Legislative Assembly of the Province of Ontario, passed in the       year of Her Majesty’s reign, chapter       entitled, “An Act to Authorize the Sale of certain Lands of the First Baptist Church, Ottawa.”



BILL.

An Act to Authorize the Sale of certain  
Lands of the First Baptist Church,  
Ottawa.

First Reading,                      , 1890.

(Private Bill.)

Mr. BRONSON.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the Hamilton Patriotic Volunteer Fund.

WHEREAS in the year 1866 the 13th Battalion of active militia of Hamilton were ordered to the front along with other corps of volunteers and regular regiments of Her Majesty's army on the occasion of the Fenian raid from the United States of America across the Niagara river, and the said 13th Battalion took part in the engagement at Limeridge near the village of Ridgeway, in the county of Welland; and whereas the Hamilton Field Battery were also called out and sent to the front on the same occasion; and whereas the said two corps, the 13th Battalion and Hamilton Field Battery, by their petition have represented that at or about the time of the said raid a fund was raised by certain citizens of Hamilton known as "The Hamilton Patriotic Volunteer Fund," and a portion thereof was expended in defraying certain expenses incurred for the benefit of the volunteers, and the balance thereof being a sum of over \$900, was deposited in the Bank of Montreal at Hamilton, in the names of the late Honourable Isaac Buchanan, the Honourable Donald McInnes and Lieut.-Colonel James A. Skinner as trustees; and whereas the said fund was subscribed and paid by the citizens of Hamilton for the use and benefit of the volunteer or active militia force of the city of Hamilton, and in order to provide articles of outfit and equipment not supplied by the government, but which in time of active service would be highly necessary, and would greatly contribute to the efficiency of the said corps; and whereas the said Honourable Isaac Buchanan died several years ago, and the surviving trustees, though expressing a willingness to be relieved from the trust, have never actually paid over the said funds, and doubts have been suggested by them as to their authority so to do; and whereas the original subscribers to the said fund have signed a request to the said trustees to pay the said fund and the interest thereon to the 13th Battalion and the Hamilton Field Battery, in the proportion of three-fourths to the former and one-fourth to the latter of the said corps; and whereas the expenditure of the said fund in the purchase of articles of equipment and outfit, including camp utensils and equipage not supplied to the active militia force by the Government of Canada, would be carrying out substantially and strictly the intentions of the original subscribers, and complying with the terms of any trust that ever existed with reference the said fund; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



Trustees  
to pay over  
balance to  
13th Battalion  
and Hamilton  
Field Battery.

1. The said surviving trustees of the said Hamilton Patriotic Volunteer Fund, and the legal representatives of the late Honourable Isaac Buchanan, so far as they, the said legal representatives have any control over same, are hereby authorized and required to pay over the balance of the said fund and all interest which has accrued thereon to the commanding officers of the said 13th Battalion of active militia and the Hamilton Field Battery of artillery, in the proportions of three-fourths thereof to the former and one-fourth to the latter of the said two corps; and the said funds when so paid over shall form a part of the regimental funds respectively of the said two corps, to be expended from time to time as may be advisable or necessary in purchasing accoutrements, outfit, camp utensils, and equipage and other supplies of use and advantage to the said corps, and not furnished to them by the Government of Canada.



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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting the Hamilton Patriotic  
Volunteer Fund.

First Reading,	1890.
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(Private Bill.)

MR. GIBSON,  
(*Hamilton.*)

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting the Hamilton Patriotic Volunteer Fund.

**W**HEREAS in the year 1866 the 13th Battalion of active militia of Hamilton were ordered to the front along with other corps of volunteers and regular regiments of Her Majesty's army on the occasion of the Fenian raid from the United States of America across the Niagara river, and the said 13th Battalion took part in the engagement at Limeridge near the village of Ridgeway, in the county of Welland; and whereas the Hamilton Field Battery were also called out and sent to the front on the same occasion; and whereas the said two corps, the 13th Battalion and Hamilton Field Battery, by their petition have represented that at or about the time of the said raid a fund was raised by certain citizens of Hamilton known as "The Hamilton Patriotic Volunteer Fund," and a portion thereof was expended in defraying certain expenses incurred for the benefit of the volunteers, and the balance thereof being the sum of over \$913.40, was on the seventh day of April, 1870, deposited in the Bank of Montreal at Hamilton, in the names of the late Honourable Isaac Buchanan, the Honourable Donald McInnes and Lieut.-Colonel James A. Skinner as trustees; and whereas the said fund was subscribed and paid by the citizens of Hamilton for the use and benefit of the volunteer or active militia force of the city of Hamilton, and in order to provide articles of outfit and equipment not supplied by the government, but which in time of active service would be highly necessary, and would greatly contribute to the efficiency of the said corps; and whereas the said Honourable Isaac Buchanan died several years ago, and the surviving trustees, though expressing a willingness to be relieved from the trust, have never actually paid over the said funds, and doubts have been suggested by them as to their authority so to do; and whereas on the tenth day of August, 1889, the accrued interest amounting to the sum of \$647.60 was added to the principal and a new deposit receipt for the sum of \$1,561 was issued on the last mentioned day in favour of the legal representatives of the late Honourable Isaac Buchanan and the said the Honourable Donald McInnes and Lieut.-Colonel James A. Skinner, as trustees of the said fund; and whereas the original subscribers to the said fund have signed a request to the said trustees to pay the said fund and the interest thereon to the 13th Battalion and the Hamilton Field Battery, in the proportion of three-fourths to the former and one-fourth to the latter of the said corps; and whereas the expenditure of the said fund in the purchase of articles of equipment and outfit, including camp utensils and equipage not supplied to the active militia force by the Government of Canada, would be

carrying out substantially and strictly the intentions of the original subscribers, and complying with the terms of any trust that ever existed with reference the said fund; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees  
to pay over  
balance to  
13th Battalion  
and Hamilton  
Field Battery.

1. The said surviving trustees of the said Hamilton Patriotic Volunteer Fund, and the legal representatives of the late Honourable Isaac Buchanan, are hereby authorized and required to pay over the balance of the said fund and all interest which has accrued thereon to the commanding officers of the said 13th Battalion of active militia and the Hamilton Field Battery of artillery, in the proportions of three-fourths thereof to the former and one-fourth to the latter of the said two corps; and the said funds when so paid over shall form a part of the regimental funds respectively of the said two corps, to be expended from time to time as may be advisable or necessary in purchasing accoutrements, outfit, camp utensils, and equipage and other supplies of use and advantage to the said corps, and not furnished to them by the Government of Canada.





No. 56.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting the Hamilton Patriotic  
Volunteer Fund.

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First Reading, 17th February, 1890.

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*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. GIBSON,  
*(Hamilton.)*

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to enable the Metropolitan Bishop of the Church of England in the Ecclesiastical Province of Canada, to confer certain Degrees in Divinity.

WHEREAS the bishops, clergy, and laity, members of the Church of England, assembled in provincial synod of the ecclesiastical province of Canada, have by their petition represented: That the various universities and theological colleges in connection with the said Church of England, in the different Provinces of Canada, comprised within the limits of the said ecclesiastical province, viz., the University of Kings' College in the province of Nova Scotia; the University of Bishops' College, Lennoxville, in the Province of Quebec; the University of Trinity College, Toronto, in the Province of Ontario; Huron College London; and Wycliffe College, Toronto, in the Province of Ontario; and the Montreal Diocesan Theological College, in the Province of Quebec, have agreed to the establishment of a common board of examiners for divinity degrees, composed of representatives from each of the said universities and colleges, and have undertaken each and severally, to recognize and formally to appoint, in the manner required by their regulations and by-laws, the said examining board thus constituted to act for them in all matters appertaining to the degrees of the faculty of divinity, within the said ecclesiastical province; and that the said provincial synod have by canon established such common board of examiners so agreed upon by the said universities and colleges; and whereas the said provincial synod have prayed for the passing of an Act to confer upon the metropolitan bishop of the said ecclesiastical province, power to confer degrees in divinity by himself or his representative within the said Province of Ontario and so far as the legislative jurisdiction of the said Province extends, (in addition to the powers already existing under their several charters, for conferring such degrees in the said universities), upon candidates who have passed the said board of examiners; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The bishop of the Church of England in the ecclesiastical Province of Canada, who shall hold for the time being, the office of metropolitan of the said ecclesiastical province, is hereby created a corporation sole, with the power to confer the degrees of bachelor and doctor of divinity, by himself or his representative, within the said Province of Ontario, and so far as the legislative jurisdiction of the said Province extends,

Metropolitan bishop in Canada empowered to confer degrees in divinity.

upon such candidates only, as have received the certificate of the board of examiners established as aforesaid, (by canon of the said provincial synod for the purpose of holding examinations for such degrees), that the said candidates have successfully passed the examinations and performed all the other 5 exercises required for such degrees.

Honorary degrees not to be conferred by the metropolitan, the power of conferring degrees *jure dignitatis*, or *pro honoris causâ*.





BILL.

An Act to enable the Metropolitan Bishop of the Church of England in the Ecclesiastical Province of Canada to confer certain Degrees in Divinity.

First Reading	1890.
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(Private Bill.)

Mr.

## An Act to Incorporate the Town of Chester.

WHEREAS the inhabitants of that portion of the county of York hereinafter described, are rapidly increasing in number and importance; and whereas the said inhabitants have by their petition represented that their incorporation as a town would greatly promote their responsibility and enable them to make suitable regulations for the development and improvement of their property which they are powerless to effect unless so incorporated; and whereas the said inhabitants have also represented that in order to effect such improvement it will be necessary for them to obtain an Act incorporating them as aforesaid, and enabling them to borrow moneys and issue debentures for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the inhabitants of the district comprised within the following description, that is to say, all and singular those certain parcels or tracts of land and premises situate, lying and being in the township of York, in the county of York, and Province of Ontario, being composed of lots 11, 12, 13, 14, 15, and parts of lots 16, 17, 18, 19 and 20 in the second concession from the bay, and lot number 11 in the third concession from the bay, in the said township of York, and which said parcels or tract of land may be more particularly known and described as follows: commencing at the northerly limit of Danforth avenue where the same is intersected by the easterly limit of Leslie street, said point being in the northerly limit of the city of Toronto; thence westerly and north-westerly, following the boundary line of the city of Toronto to where the said limit intersects the northerly limit of the right of way of the Ontario and Quebec division of the Canadian Pacific Railway; thence north-easterly following the northerly limit of the said railway to the easterly limit of said lot number 16 in the second concession from the bay; thence northerly along the easterly limit of said lot 16 and the easterly limit of lot 20 in the third concession from the bay to a point in range with the northerly limit of the said lot 11 in the third concession from the bay; thence easterly to and along the said northerly limit of lot number 11 to the easterly limit of Leslie street, being the easterly limit of road allowance between lots numbers 11 and 6 in the third concession from the bay; thence southerly following the said easterly limit of Leslie street to the place of beginning, shall

Incorporation of town.

be and are hereby constituted a corporation, or body politic, under the name of "The Corporation of the Town of Chester," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns separated from counties in the Province of Ontario, under the existing municipal laws of the said Province. 5

**Municipal laws to apply.** 2. The provisions of *The Municipal Act*, and any Act amending the same, relating to matters consequent upon the formation of new municipal corporations, and the other provisions of *The Municipal Act*, shall apply to the corporation of the said town of Chester in all respects. 10

**Wards.** 3. The said town shall be divided into four wards, to be known respectively as the first, second, third and fourth wards, which said wards shall be respectively composed of the portions of the incorporated district described as follows: The first ward shall be composed of that portion of the above territory lying south and east of the lands described in the petition for incorporation addressed to the council of the township of York in the month of June, 1889. The second ward shall be composed of that part of the above territory described in the said petition, and lying south of the production westerly of the northerly limit of the first ward to the river Don. The third ward shall be composed of that part of the above territory described in the said petition, and not included in the second ward. The fourth ward shall be composed of the balance of the above territory not included in the first, second and third wards. 15 20 25



No. 58.

4th Session, 6th Legislature, 52 Vic., 1890.

BILL.

An Act to Incorporate the Town of Chester.

First Reading, 1890.

(Private Bill.)

MR. H. E. CLARKE.  
(*Toronto.*)

TORONTO :  
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to enable the Corporation of the City of  
Ottawa to issue Debentures for Waterworks pur-  
poses.

**W**HEREAS the municipal council of the corporation of the city of Ottawa, have by their petition represented that it is desirable and necessary in the interests of the residents of the city of Ottawa, to extend and improve the waterworks system of the city of Ottawa; and that it is necessary to borrow a sum of money not exceeding in the whole the sum of \$100,000 for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall be lawful for the council of the corporation of the city of Ottawa, for the purpose of extending and improving the waterworks system of the city of Ottawa, to pass a by-law or by-laws to authorize the issue of debentures of the said corporation for a sum of money not exceeding \$100,000, in such sums of not less than \$100 each as the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, and may be in the form in the schedule to this Act set forth, which said debentures shall bear interest at a rate not exceeding five per centum per annum, payable half yearly, and such debentures shall be signed by the mayor and the treasurer of the said city for the time being, and may be made payable either in sterling or currency in Great Britain, in this Province or elsewhere, as to the said council of the said corporation of the city of Ottawa shall seem expedient.

Preamble.

Power to issue  
debentures for  
waterworks  
purposes.

2. For the purpose of providing a sinking fund for the payment of the said debentures and the interest on the same semi-annually, the council of the corporation of the city of Ottawa shall raise annually from the water rates and with the authority conferred upon them in and by the Act of the Legislature of this Province, intituled "An Act for the construction of Waterworks for the City of Ottawa," and the Acts amending the same, a sum of money sufficient to pay the interest semi-annually on the days appointed for the payment thereof, upon the principal money of the said debentures, and shall also raise annually a further sum not less than one and one-half per cent. on the principal of the said debentures sufficient to form a sinking fund to pay off the principal money when the same

Payment of  
debentures  
and interest.

shall become payable, such sum to be in addition to the moneys required to be raised to meet the charges of maintenance, the cost of renewals, the amounts required for the payment of the interest on the waterworks debentures already issued, and for the payment of the sinking fund amounting annually to \$11,700, as required by section 14 of the "Act to consolidate the Debenture Debt of the City of Ottawa," passed in the 41st year of Her Majesty's reign, and chaptered 37, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled *An Act respecting the City of Ottawa*, passed in the 50th year of Her Majesty's reign, and chaptered 59, and such sum also to be in addition to the moneys required to meet the sinking fund and interest on the debentures issued under the authority of an Act of the Legislature of this Province, intituled "An Act to enable the Corporation of the City of Ottawa to issue Debentures for Waterworks purposes," passed in the 52nd year of Her Majesty's reign, and chaptered 67, and the said corporation shall pay the principal money and interest on the said debentures herein authorized to be issued, as the same shall from time to time fall due.

Special rate.

3. If from any cause the moneys annually accruing from the water rates, after deducting the present charges thereon, shall be less than the sum of money from time to time necessary for the payment of the interest and of the sinking fund to pay off the debentures herein authorized to be issued, it shall be the duty of the corporation of the city of Ottawa and they are hereby authorized and required when and as often as the same may occur forthwith, to settle, impose, levy and collect an equal special rate upon all the assessable property of the city of Ottawa, in the manner and with the like powers as shall exist in respect to municipal assessment rates and taxes, and out of the proceeds thereof to pay and discharge all sums of money for interest or principal which shall or may be due or accruing due to meet the interest and sinking fund to pay the debentures herein authorized to be issued.

Assent of electors not required.

Rev. Stat., c. 184.

4. The by-law or by-laws of the said corporation passed under the authority of this Act, shall not require to be submitted or to have the assent of the electors of the said city before the final passing thereof, nor shall it be necessary that any of the provisions of *The Municipal Act* relating to by-laws for creating debts be complied with.

Irregularities in form not to invalidate debentures.

5. No defect in substance or in the form of the said debentures or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

## SCHEDULE.

(Section 1.)

## WATERWORKS DEBENTURES.

No.

§

Province of Ontario, }  
 City of Ottawa. }

Under and by virtue of the Act passed in the fifty-third year of the reign of Her Majesty Queen Victoria, and chaptered , and by virtue of by-law No. , of the corporation of the city of Ottawa, passed under the powers contained in the said Act.

The corporation of the city of Ottawa, promise to pay the bearer at in

the sum of

on the day of A.D. ,  
 and the half yearly coupons hereto attached as the same shall severally become due.

Mayor.

Treasurer.

No. 59.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to enable the Corporation of the  
City of Ottawa to issue Debentures for  
Waterworks purposes.

First Reading, 1890.

(Private Bill.)

Mr. BROOKSON.

TORONTO:

PRINTED BY WATKINS & SON, 68 AND 70 FRONT ST. W.

An Act to confer upon The Chatham Waterworks Company power to borrow \$150,000.

WHEREAS "The Chatham Waterworks Company" have petitioned that an Act may be passed authorizing them to borrow a sum not exceeding \$150,000 under the provisions of the *Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water*, being chapter 164 of the Revised Statutes of Ontario, 1887, instead of the sum of \$80,000 limited by the said Act; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Chatham Waterworks Company of the town of Chatham, in the county of Kent, and Province of Ontario, are hereby authorized and empowered to borrow from any person or persons, body or bodies politic or corporate, or associated as a company or co-partnership, either in this province or out of it, a sum or sums of money not exceeding in the whole the sum of \$150,000, at any rate of interest in conformity with the laws of Canada, that the president and directors of the company deem necessary.

2. The provisions of sections 71, 73, 74, 75, 76, 77, 78, 79 and 80, of chapter 164, of the Revised Statutes of Ontario, 1887, and all other powers and provisions of the said Act relating to, or applicable to the raising or borrowing of money, are incorporated with, and form a part of this Act, and shall apply to, and are conferred upon the said, "The Chatham Waterworks Company," except only in so far as they are inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall include the clauses of the said Act, chaptered 164, of the Revised Statutes of Ontario, 1887, so incorporated with this Act.

Preamble.

Power to  
borrow  
\$150,000.Certain provi-  
sions of Rev.  
Stat. c. 164,  
incorporated.



No. 60.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to confer upon The Chatham  
Waterworks Company power to borrow  
\$150,000.

First Reading,	1890.
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(Private Bill.)

Mr. FERGUSON.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the New York Life Insurance Company.

WHEREAS the New York Life Insurance Company, a Preamble.

corporation duly incorporated according to the laws of the State of New York, have by their petition represented that they carry on the business of life insurance throughout the Dominion of Canada, including the Province of Ontario, in accordance with a license to them duly granted under the provisions of *The Insurance Act*, and further that they are desirous of investing a portion of their funds in mortgages on real and leasehold estate within said Province, and in other securities within the Province in which insurance companies usually invest their funds, and also are desirous of acquiring real estate within the said Province for the purposes of their business; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the New York Life Insurance Company may hereafter in its said corporate name, on such terms and conditions as may be satisfactory to said company, lend and advance money by way of loan or otherwise on the security of real estate in the Province of Ontario, and may within the said Province lend or advance money on the public securities of Canada or any of the Provinces thereof, or on the security of debentures of any municipal or other corporation of the Province of Ontario, and whether the same are a charge on real estate or not, or upon such stocks or bonds or other securities as the company are authorized by their charter to hold or lend money upon, and may buy or sell any mortgage or pledge of freehold or leasehold lands within said Province, and may advance or loan money on such securities, and sell, assign or dispose of same or any thereof from time to time, and execute all necessary deeds and instruments.

Power to lend money in Ontario.

2. The said company may, in its said corporate name, proceed on such mortgages or securities as they are hereby authorized to invest in for the recovery of the moneys thereby secured, and generally may in its corporate name pursue the same course, exercise the same powers, and use and take the same remedies to enforce payment of any debt or demand due to the said company, as any person may by law take or use for the like purpose.

Power to recover money loaned.

Power to  
acquire real  
estate for busi-  
ness purposes.

3. The said company may from time to time acquire and hold such real or leasehold property in the said Province of Ontario as they may require for the purposes of their business as a life insurance company, or as may be acquired by them by foreclosure or otherwise in the realization of or for the protection of their investments, and may from time to time sell, mortgage, lease or otherwise dispose of the same. 5

Company not  
to hold real  
estate for more  
than ten years

4. The said company shall sell or dispose of real estate to which it may acquire a title in fee simple by foreclosure or by the release of the equity of redemption therein within ten years from the date of the foreclosure or release, and any real estate which is not within the said period disposed of as hereinbefore required, shall be forfeited to and become vested in the Crown: Provided always that this section shall not apply to any real estate acquired by the company for the purposes of their business. 10 15

Proviso.



No. 61.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the New York Life  
Insurance Company.

First Reading,	1890.
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(Private Bill.)

MR. GIBSON,  
(*Hamilton.*)

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



No. 62.]

## BILL.

[1890.

An Act respecting the Southern Central Railway Company.

**W**HEREAS by an Act of the Legislature of Ontario, passed in the fiftieth year of Her Majesty's reign, chaptered eighty-one, the Southern Central Railway Company was incorporated, and by section sixty-one of the said Act it was enacted that the railway proposed to be built by the said company should be commenced within three years and completed within five years from the passing thereof; and whereas the said company have as yet not been able to commence the said road, as provided by the said Act; and whereas the said company have prayed for further time to commence and complete the said road; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** The time for the commencement of the construction of the said line of railway is extended for the period of three years from the twenty-third day of April, one thousand eight hundred and ninety, and the time for the completion thereof for five years from the said date.

Preamble.

Time for  
commence-  
ment of work  
extended.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the Southern Central  
Railway Company.

First Reading,                      , 1890.

(Private Bill.)

MR. MCKAY.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to enable Charles Northcote to settle Certain Lands.

**W**HEREAS Charles Northcote of the township of Etobicoke, in the county of York and Province of Ontario, gentleman, has by his petition represented that Richard Northcote, late of the city of Toronto, in the Province of Ontario, gentleman, deceased, died at the said city on or about the 22nd day of August, 1886, after having first duly made his last will and testament in writing, duly executed, and bearing date the third day of May, 1881, together with a codicil thereto, bearing date the 22nd day of February, 1884, and also that the said last will and testament contained the following devises unto the said petitioner Charles Northcote :—I give, devise and bequeath to my son Charles Northcote, his heirs and assigns forever, all and singular that certain parcel or tract of land and premises, being composed of the easterly part of lot number two in the first concession from lake Ontario, in the township of Etobicoke, in the said county of York, containing by admeasurement six acres and one hundred and thirty-three and one-half square rods, and is more particularly described in a certain deed from one William Price the elder, to one William Price the younger, to hold to my said son Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, and to his heirs and assigns forever, all and singular that certain other parcel or tract of land and premises, being composed of the easterly half of lot number two in the first concession of the township of Etobicoke, containing about forty-three acres, and is more particularly described in a certain deed from James Price and Mary his wife to me, bearing date the nineteenth day of July, A.D. 1839, to hold to my said son Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, his heirs and assigns forever, all that certain other parcel or tract of land and premises, being the broken front of lot number two in the said township, on lake Ontario, containing about fifty acres of land, and more particularly described in a certain deed from one John William Gamble and Mary his wife to me, dated the nineteenth day of January, 1847, to hold to my said son Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, his heirs and assigns forever, all and singular that certain other parcel or tract of land, being composed of the west half of the broken front of lot number three in the first concession of the said township, containing about forty acres, and is more particularly described in a certain deed from one Richard Duncan Murchison and Sarah his wife to me, dated the twenty-eighth day of December, A.D. 1851, to hold to my said son

Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, his heirs and assigns forever, all those certain other lots of land, situate on the south side of Hayden street, in the said city of Toronto, being composed of lots numbers six and seven on the south side of the said street, which I purchased from one William John Hayden and one William Hayden, respectively, the 15th day of March and the 5th day of May, A.D. 1857, to hold to my said son Charles, his heirs and assigns, and his and their use forever; all the rest, residue and remainder of my said estate, real and personal, I hereby give, devise and bequeath unto my sons Henry and Charles, their heirs and assigns, and their use forever, to be equally divided between them share and share alike; lastly, my will is and devises hereinbefore made to my sons Henry Northcote and Charles Northcote, of lands in the city of Toronto and the township of Etobicoke, are subject to this express condition, that they do not sell or mortgage the said lands or any part thereof during their lives, but with power to each of them to devise the same to their respective children as they may think fit, in such way as they or either of them may respectively desire; and also that at the time of the death of the said Richard Northcote, he the said Charles Northcote, was seized in fee simple, of all the properties set forth in the devises above recited, and that the said lands and premises in the township of Etobicoke aforesaid, consist of farm property from which a very small income can be derived by way of rental, and also that an offer of purchase has been made of the said lands, at and for a large sum of money, to wit, sixty-four thousand eight hundred dollars, and that the said lands in the city of Toronto are only of small annual value, and that the said Charles Northcote has no income for the support of himself and family other than the rentals to be derived from the said lands, and that he the said Charles Northcote is willing to settle the said lands and the proceeds thereof, so that the same shall descend to and become vested in his children, and that he is desirous that a title in fee, simple, should be made to the said lands, and the said Charles Northcote be empowered to so settle the said lands and the proceeds thereof, and prayed for an Act for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Charles  
Northcote  
enabled to  
settle lands.

1. The said last will and testament of Richard Northcote, late of the city of Toronto, gentleman, bearing date the third day of May, 1881, is hereby declared to be effectual, and shall be deemed to confer upon the said Charles Northcote, the right to settle and convey by deed, in fee simple, absolute the said lands, and all the estate, right, title and interest of the said testator therein, and the said Charles Northcote is hereby authorized and empowered to convey and assure the said lands unto trustees, to hold on trust for the said Charles Northcote for the term of his natural life, with power to the said Charles Northcote by his last will and testament, to grant unto his wife an annual income to be paid out of the income to be derived from the said lands, and subject thereto, to divide the said lands among the children of the said Charles Northcote in such shares as he may determine, and in default of appointment, the said

lands to be divided equally between the children of the said Charles Northcote, with power to the said trustees to sell the said lands and convey the same to the purchaser or purchasers in fee simple, absolute, and to hold the proceeds of such sale  
5 upon the same trusts as may be declared in respect of the said lands by such deed of settlement.

2. Nothing in this Act shall be construed to affect any liens (if any) now existing on or against the said lands.

Liens on land  
not to be  
affected



No. 63.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to enable Charles Northcote to settle  
Certain Lands.

First Reading,	1890.
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(Private Bill.)

Mr.

TORONTO:

PRINTED BY WARWICK & SONS, 63 AND 70 FRONT ST. W.


An Act to enable Charles Northcote to settle Certain  
Lands.


**W**HEREAS Charles Northcote of the township of Etobicoke, in the county of York and Province of Ontario, gentleman, has by his petition represented that Richard Northcote, late of the city of Toronto, in the Province of Ontario, gentleman, deceased, died at the said city on or about the 22nd day of August, 1886, after having first duly made his last will and testament in writing, duly executed, and bearing date the third day of May, 1881, together with a codicil thereto, bearing date the 22nd day of February, 1884, and also that the said last will and testament contained the following devises unto the said petitioner Charles Northcote:—I give, devise and bequeath to my son Charles Northcote, his heirs and assigns forever, all and singular that certain parcel or tract of land and premises, being composed of the easterly part of lot number two in the first concession from lake Ontario, in the township of Etobicoke, in the said county of York, containing by admeasurement six acres and one hundred and thirty-three and one-half square rods, and is more particularly described in a certain deed from one William Price the elder, to one William Price the younger, to hold to my said son Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, and to his heirs and assigns forever, all and singular that certain other parcel or tract of land and premises, being composed of the easterly half of lot number two in the first concession of the township of Etobicoke, containing about forty-three acres, and is more particularly described in a certain deed from James Price and Mary his wife to me, bearing date the nineteenth day of July, A.D. 1839, to hold to my said son Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, his heirs and assigns forever, all that certain other parcel or tract of land and premises, being the broken front of lot number two in the said township, on lake Ontario, containing about fifty acres of land, and more particularly described in a certain deed from one John William Gamble and Mary his wife to me, dated the nineteenth day of January, 1847, to hold to my said son Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, his heirs and assigns forever, all and singular that certain other parcel or tract of land, being composed of the west half of the broken front of lot number three in the first concession of the said township, containing about forty acres, and is more particularly described in a certain deed from one Richard Duncan Murchison and Sarah his wife to me, dated the twenty-eighth day of December, A.D. 1851, to hold to my said son

Charles, his heirs and assigns, and his and their use forever; I give, devise and bequeath to my said son Charles, his heirs and assigns forever, all those certain other lots of land, situate on the south side of Hayden street, in the said city of Toronto, being composed of lots numbers six and seven on the south side of the said street, which I purchased from one William John Hayden and one William Hayden, respectively, the 15th day of March and the 5th day of May, A.D. 1857, to hold to my said son Charles, his heirs and assigns, and his and their use forever; all the rest, residue and remainder of my said estate, real and personal, I hereby give, devise and bequeath unto my sons Henry and Charles, their heirs and assigns, and their use forever, to be equally divided between them share and share alike; lastly, my will is and devises hereinbefore made to my sons Henry Northcote and Charles Northcote, of lands in the city of Toronto and the township of Etobicoke, are subject to this express condition, that they do not sell or mortgage the said lands or any part thereof during their lives, but with power to each of them to devise the same to their respective children as they may think fit, in such way as they or either of them may respectively desire; and also that at the time of the death of the said Richard Northcote, he the said Charles Northcote, was seized in fee simple, of all the properties set forth in the devises above recited, and that the said lands and premises in the township of Etobicoke aforesaid, consist of farm property from which a very small income can be derived by way of rental, and also that an offer of purchase has been made of the said lands, at and for a large sum of money, to wit, sixty-four thousand eight hundred dollars, and that the said lands in the city of Toronto are only of small annual value, and that the said Charles Northcote has no income for the support of himself and family other than the rentals to be derived from the said lands, and that he the said Charles Northcote is willing to settle the proceeds of the said lands so that the same shall descend to and become vested in his children, and that he is desirous that a title in fee simple should be made to the said lands, and *has* prayed for an Act for that purpose; and whereas it is expedient to grant the prayer of the said petition;



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Charles  
Northcote  
enabled to  
settle lands.

1. The said last will and testament of Richard Northcote, late of the city of Toronto, gentleman, bearing date the third day of May, 1881, is hereby declared to be effectual, and shall be deemed to confer upon the said Charles Northcote, the right to *sell* and convey by deed, in fee simple, absolute the said lands, and all the estate, right, title and interest of the said testator therein,  from time to time, either by public auction or private sale and on such terms and credit, or otherwise, as he may deem proper, notwithstanding any restrictions on alienation contained in the said will. The purchaser or purchasers shall pay the purchase money into the Toronto General Trusts Company or the Trusts Corporation of Ontario, as the said Charles Northcote may direct, who shall or may invest the said money, from time to time, in any of the Government funds of the Dominion of Canada, or of the Province of Ontario, or on mortgage of freehold lands, or upon debentures of building societies and other companies authorized to lend

money on the security of real estate in Ontario, and also at the request of the said Charles Northcote, to purchase sufficient real estate for the purpose of a house or homestead for the use of the said Charles Northcote and the annual income from such investments shall be received by or paid to the said Charles Northcote for and during the term of his natural life. And power is hereby given to the the said Charles Northcote dispose of the said purchase money or property by his last will and testament among the child, children or more remote issue of the said Charles Northcote or any of them, either exclusively or in such parts, shares and proportions, and for such estate or estates, interest or interests, with such limitations and remainders and in such manner or form as he, the said Charles Northcote may respectively direct, limit or appoint, and in default of such direction, limitation or appointment to divide the said purchase money and lands remaining unsold among the children of the said Charles Northcote, share and share alike. The children or more remote issue of any child or children of the said Charles Northcote, who may have predeceased him to take the share, his, her or their parent or ancestor would have taken if alive. Provided, however, that the said Charles Northcote shall not have power by his said will to deprive his wife him surviving of one third of the income from the said purchase money and properties to be held and enjoyed by her for and during the term of her natural life. 

2. Nothing in this Act shall be construed to effect any liens (if any) now existing on or against the said lands. Liens on land  
not to be  
affected.

 3. The said Trust Company into which the said moneys are to be paid shall have power and they are hereby authorized to pay the actual expenses of and incidental to this Act, and of and incidental to the aforesaid sale not exceeding in the whole one thousand dollars out of the said purchase moneys. 

No. 63.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to enable Charles Northcote to  
settle Certain Lands.

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First Reading, 14th February, 1890.

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*(Reprinted as amended by Private Bills  
Committee).*

(Private Bill.)

Mr. H. E. CLARKE,  
*(Toronto.)*

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to Consolidate the Floating Debt of the Town  
of Trenton, and for other purposes.

WHEREAS the corporation of the town of Trenton, have Preamble.  
represented by their petition, that they were authorized  
by a certain Act of the Legislative Assembly of the Province  
of Ontario, passed in the 48th year of Her Majesty's reign, and  
5 chaptered 74, to develop the water power of the river Trent;  
and that in pursuance thereof, they caused plans and esti-  
mates of a mill-dam, bridge, bulk-head and flume to be made,  
and submitted the same to the ratepayers of said town, who  
approved thereof, and voted a certain sum of money to pay  
10 for same; and that after a dam to a bridge had been built,  
but before a bulk-head or flume had been constructed, an  
unforeseen accident occurred by which a large portion of the  
land in and about the anchorage pier of the west end of said  
dam was washed out, which caused an entire change to be  
15 made in the plan of bulk-head and flume, and as an unavoid-  
able result, the expenditure of a much larger sum for bulk-  
head and flume purposes than had been originally voted as  
aforesaid; and the said corporation being bound to complete  
said water power development pledged their credit, but not  
20 by debenture, to a sum sufficient to meet said extra cost,  
amounting to some \$35,000, and the same now subsists as a  
floating debt; and that another liability arising out of annual  
expenditure over estimate, to some \$5,000, is also an outstand-  
ing floating debt; and that same two floating debts amount  
25 to \$40,000; and that said corporation is desirous of incurring  
certain other liabilities for erecting a fire hall and certain  
buildings and vaults for municipal offices and purposes, not to  
exceed \$5,000; and of incurring a liability for the erection of  
a high school building not exceeding \$10,000, which actual in-  
30 debtedness and contemplated expenditure would make a total  
floating debt of \$55,000; and have prayed that same may  
be consolidated, and that said corporation may be authorized  
to issue debentures for that purpose, payable in forty years  
from the day of the date thereof; and the said corporation  
35 have further shown by their said petition, that they desire and  
require the legal right and authority to pass a by-law to shut  
up and take and use all that portion of Elgin street in said  
town, lying easterly of and between Water and Front streets,  
to the said river Trent, for a site for said fire hall and muni-  
40 cipal office buildings and vaults; and have also shown by said  
petition that they desire the right and power to pass a by-law  
to fix the assessment roll of 1890 as a basis of collection of taxes  
of the municipality for the year 1891, with a view to an  
assessment commission; and have also represented by their  
45 said petition that certain amendments to said Act, chapter 74  
of the Acts passed in the 48th year of Her Majesty's reign,

should be made to correct clerical errors and to make clear the said Act and extend its operation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 5 as follows:—

Issue of  
debentures for  
\$55,000  
authorized.

1. The corporation of the town of Trenton may pass a by-law authorizing the issue of debentures under the corporate seal, signed by the mayor and countersigned by the treasurer, for such sums not exceeding in the whole the sum of \$55,000, as 10 the council of the said town may direct and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, as the said council may deem expedient and may be either in currency or sterling money. 15

Power to  
borrow on  
debentures.

2. The said corporation may raise by way of loan upon the credit of the said debentures, from any person or persons, body or bodies corporate, either in the Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum not exceeding in the whole the sum of \$55,000 of lawful money of 20 Canada.

Application of  
loan.

3. The funds derived from the negotiations of the said debentures shall be applied by the said council to the payment of the said outstanding floating liabilities, and to and for no other purpose whatsoever. 25

Special rate  
for payment of  
debentures.

4. For payment of the debentures to be issued under this Act, the municipal council shall impose a special rate per annum, (over and above and in addition to all other rates to be levied in each year), which shall be sufficient to pay the interest on the said debentures and to form a sinking fund of 30 four per centum per annum, for the purpose of paying the principal thereof.

Investment of  
sinking fund.

5. The said council shall, and it shall be the duty of the treasurer to invest, from time to time, all moneys raised by special rate for the sinking fund provided in this Act, either in 35 redemption of any of the debentures hereby authorized to be issued, or in Government securities, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or may deposit the same in any chartered bank of the Dominion of Canada that the council may from time to 40 time approve.

Payment of  
debentures  
and interest.

6. The debentures to be issued as aforesaid, shall be payable in not more than forty years from the day of the date thereof, as the said council may direct, and the interest thereon at such rate not exceeding six per centum per annum as the 45 said council shall determine, shall be payable half-yearly according to the coupons attached thereto.

Irregularities  
in form not to  
invalidate  
debentures.

7. No irregularity in the form of the said debentures, or of the by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action 50 brought against the corporation for the recovery of the said debentures and interest, or any or either of them, or any part thereof.

8. It shall not be necessary to obtain the assent of the electors of said town, to the passing of the said by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors not required.

9. The said debentures may be in the form A in the schedule to this Act, or as near thereto as the said corporation may find convenient, according to the place where, and the money in which the same are made payable.

Form of debentures.

10. The said corporation shall have power, and are hereby authorized to pass a by-law shutting up and expropriating all that part of Elgin street in said town, lying between Front or Water Street and the River Trent, and using the same for a site for a fire hall and for municipal offices and vaults.

Power to expropriate lands for fire hall and municipal buildings.

11. The said corporation shall have power, and are hereby authorized to pass a by-law fixing the assessment roll for 1890 as a basis of collection of taxes of the municipality for the year 1891, with a view (and for that purpose only,) to the establishment of an assessment commission for said town.

Roll of 1890 may be basis of collection of taxes for 1891.

12. Sections 2, 5, 7, 8 and 10 of said Act, chapter 74 of the Acts passed in the 48th year of Her Majesty's reign, are hereby amended by inserting in the sixth and eleventh lines of said section 2 immediately after the word "dam," the words "or dams"; and section 5 by inserting in the first line thereof after the word "dam," the said words "or dams"; and section 7, by striking out the word "or" in the third line thereof, between the words "dam" and "bridge," and inserting the word "and" in lieu thereof; and said section 8 by inserting in the fifth line thereof, immediately after the word "dam," the word "bridge"; and said section 10 by inserting in the fifth line thereof after the word "of," the words "a dam or."

48 V. c 74, s. 2, 5, 7, 8 and 10 amended.

13. The said Act is further amended by adding thereto the following section:

48 V. c. 74, amended.

11. The said corporation shall have the right and power to rebuild said dam or dams, bridge or bridges, flume or flumes or bulk-head, in case the same or any of them, shall at any time hereafter be carried away, in part or totally, by freshet or otherwise, and shall have all the other rights and powers mentioned in said Act, in case of such rebuilding, provided the same be enjoyed, and exercised in conformity with the terms of said Act, as exercised in the first instance under said Act and as amended.

Power to rebuild dam etc.

## SCHEDULE.

(Section 9.)

(Form A.)

### CONSOLIDATED LOAN DEBENTURE.

No. Province of Ontario, \$  
Town of Trenton

Under and by virtue of the Act passed in the fifty-third year of the reign of Her Majesty, Queen Victoria, and chaptered

, and by virtue of a by-law No. of the corporation of the Town of Trenton, passed under the provisions contained in the said act ;

The corporation of the town of Trenton promise to pay the bearer at in the sum of on day of A.D, and the half-yearly coupons hereto attached as the same shall severally become due.

Dated at Trenton in the County of Hastings, Province of Ontario, this day of A.D.,

[L.S.]

A.B.,  
Mayor.  
C.D.,  
Treasurer.





No. 64.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act for the Consolidation of the Floating  
Debt of the Town of Trenton, and for other  
purposes.

First Reading,

1890.

(Private Bill.)

MR. OSTROM,

TORONTO :

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

An Act to Consolidate the Floating Debt of the Town  
of Trenton, and for other purposes.

**W**HEREAS the corporation of the town of Trenton, have Preamble.  
represented by their petition, that they were authorized  
by a certain Act of the Legislative Assembly of the Province  
of Ontario, passed in the 48th year of Her Majesty's reign, and  
chaptered 74, to develop the water power of the river Trent;  
and that in pursuance thereof, they caused plans and esti-  
mates of a mill-dam, bridge, bulk-head and flume to be made,  
and submitted the same to the ratepayers of said town, who  
approved thereof, and voted a certain sum of money to pay  
for same; and that after a dam to a bridge had been built,  
but before a bulk-head or flume had been constructed, an  
unforeseen accident occurred by which a large portion of the  
land in and about the anchorage pier of the west end of said  
dam was washed out, which caused an entire change to be  
made in the plan of bulk-head and flume, and as an unavoid-  
able result, the expenditure of a much larger sum for bulk-  
head and flume purposes than had been originally voted as  
aforesaid; and the said corporation being bound to complete  
said water power development pledged their credit, but not  
by debenture, to a sum sufficient to meet said extra cost,  
amounting to some \$23,000, and the same now subsists as a  
floating debt; and that another liability arising out of annual  
expenditure over estimate, and otherwise of about \$7,000  
is also an outstanding floating debt; and that said two float-  
ing debts amount to \$30,000; and have prayed that same may  
be consolidated, and that said corporation may be authorized  
to issue debentures for that purpose, payable in forty years  
from the day of the date thereof; and have also shown by said  
petition that they desire the right and power to pass a by-law  
to fix the assessment roll of 1890 as a basis of collection of taxes  
of the municipality for the year 1891, with a view to an  
assessment commission; and have also represented by their  
said petition that certain amendments to said Act, chapter 74  
of the Acts passed in the 48th year of Her Majesty's reign,  
should be made to correct clerical errors and to make clear  
the said Act and extend its operation; and whereas it is expe-  
dient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The corporation of the town of Trenton may pass a by-law  
authorizing the issue of debentures under the corporate seal,  
signed by the mayor and countersigned by the treasurer, for  
such sums not exceeding in the whole the sum of \$30,000, as

Issue of  
debentures for  
\$55,000  
authorized.

the council of the said town may direct and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, as the said council may deem expedient and may be either in currency or sterling money.

Power to  
borrow on  
debentures.

2. The said corporation may raise by way of loan upon the credit of the said debentures, from any person or persons, body or bodies corporate, either in the Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum not exceeding in the whole the sum of \$30,000 of lawful money of Canada.

Application of  
loan.

3. The funds derived from the negotiations of the said debentures shall be applied by the said council to the payment of the said outstanding floating liabilities, and to and for no other purpose whatsoever.

Special rate  
for payment of  
debentures.

4. For payment of the debentures to be issued under this Act, the municipal council shall impose a special rate per annum, (over and above and in addition to all other rates to be levied in each year), which shall be sufficient to pay the interest on the said debentures and to form a sinking fund of four per centum per annum, for the purpose of paying the principal thereof.

Investment of  
sinking fund.

5. The said council shall, and it shall be the duty of the treasurer to invest, from time to time, all moneys raised by special rate for the sinking fund provided in this Act, either in redemption of any of the debentures hereby authorized to be issued, or in Government securities, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or may deposit the same in any chartered bank of the Dominion of Canada that the council may from time to time approve.

Payment of  
debentures  
and interest.

6. The debentures to be issued as aforesaid, shall be payable in not more than forty years from the day of the date thereof, as the said council may direct, and the interest thereon at such rate not exceeding six per centum per annum as the said council shall determine, shall be payable half-yearly according to the coupons attached thereto.

Irregularities  
in form not to  
invalidate  
debentures.

7. No irregularity in the form of the said debentures, or of the by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them, or any part thereof.

Assent of elec-  
tors not  
required.

8. It shall not be necessary to obtain the assent of the electors of said town, to the passing of the said by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

9. The said debentures may be in the form A in the schedule to this Act, or as near thereto as the said corporation may find convenient, according to the place where, and the money in which the same are made payable. Form of debentures.

10. The said corporation shall have power, and are hereby authorized to pass a by-law fixing the assessment roll for 1890 as a basis of collection of taxes of the municipality for the year 1891, with a view (and for that purpose only,) to the establishment of an assessment commission for said town. Roll of 1890 may be basis of collection of taxes for 1891.

11. Sections 2, 5, 7, 8 and 10 of said Act, chapter 74 of the Acts passed in the 48th year of Her Majesty's reign, are hereby amended by inserting in the sixth and eleventh lines of said section 2 immediately after the word "dam," the words "or dams"; and section 5 by inserting in the first line thereof after the word "dam," the said words "or dams"; and section 7, by striking out the word "or" in the third line thereof, between the words "dam" and "bridge," and inserting the word "and" in lieu thereof; and said section 8 by inserting in the fifth line thereof, immediately after the word "dam," the word "bridge"; and said section 10 by inserting in the fifth line thereof after the word "of," the words "a dam or." 48 V. c 74, s. 2, 5, 7, 8 and 10 amended.

12. The said Act is further amended by adding thereto the following section: 48 V. c. 74, amended.

11. The said corporation shall have the right and power to rebuild said dam or dams, bridge or bridges, flume or flumes or bulk-head, in case the same or any of them, shall at any time hereafter be carried away, in part or totally, by freshet or otherwise, and shall have all the other rights and powers mentioned in said Act, in case of such rebuilding, provided the same be enjoyed, and exercised in conformity with the terms of said Act, as exercised in the first instance under said Act and as amended. Power to rebuild dam etc.

## SCHEDULE.

(Section 9.)

(Form A.)

### CONSOLIDATED LOAN DEBENTURE.

No.-	Province of Ontario,	\$
	Town of Trenton	

Under and by virtue of the Act passed in the fifty-third year of the reign of Her Majesty, Queen Victoria, and chaptered

, and by virtue of a by-law No. of the corporation of the Town of Trenton, passed under the provisions contained in the said act ;

The corporation of the town of Trenton promise to pay the bearer at in the sum of on day of A.D, and the half-yearly coupons hereto attached as the same shall severally become due.

Dated at Trenton in the County of Hastings, Province of Ontario, this day of A.D.,

[L.S.]

A.B.,  
Mayor.  
C.D.,  
Treasurer.





No. 64.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to Consolidate the Floating Debt  
of the Town of Trenton, and for other  
purposes.

First Reading, 4th March, 1890.

*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. OSTROM,

TORONTO :

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

## An Act respecting the Municipality of Neebing.

WHEREAS the corporation of the municipality of Neebing, Preamble.

and the school board of the municipality, and over two-thirds of the ratepayers of the township of McKellar, in the said municipality of Neebing have, by their petitions, 5 prayed that the agreement between the Canadian Pacific Railway Company and the said municipality of Neebing, bearing date the thirtieth day of September, A. D. 1889, together with the by-law of the said municipality of Neebing passed in pursuance thereof, being by-law number 101 (both of which 10 instruments have been by vote of the ratepayers of the said township of McKellar, unanimously adopted) may be confirmed and legalized and declared to be binding upon all parties affected thereby; and whereas it is expedient to grant the prayer of the said petition;

15 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement made and entered into between the Canadian Pacific Railway Company and the corporation of the municipality of Neebing, bearing date the 30th day of September, A. D. 1889, which agreement is set out in schedule "A" 20 appended to this Act, together with the by-law passed by the said municipality pursuant to the said agreement and numbered 101, which by-law is set out in full in schedule "B" appended 25 to this Act are both and each of them is hereby confirmed and declared to be a good, valid and subsisting and binding contract and by-law respectively, both upon the corporations thereto, their respective successors and assigns respectively, as well as upon all the ratepayers and inhabitants of the said 30 municipality and all other persons, firms, companies, boards or corporations mentioned or included therein or affected thereby.

Agreement with C. P. R. and by-law No. 101 confirmed.

## SCHEDULE "A."

## (Section 1.)

This indenture, made in duplicate this thirtieth day of September, one thousand eight hundred and eighty-nine, between the Canadian Pacific Railway Company, hereinafter called "the company," of the first part: and the corporation of the municipality of Neebing, hereinafter called "the municipality," of the second part,

Witnesseth that whereas by by-law number seventy-three of the corporation of the municipality of Neebing it was provided:

"1. By way of bonus to the Canadian Pacific Railway Company from the township of McKellar, in the municipality of Neebing, the said municipality grants to the said railway company in aid of such railway the sum of \$120,000, and it shall be lawful for the reeve of the said municipality to raise by way of loan upon the security of the debentures hereinafter mentioned from any person or persons, or corporation or corporations who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of \$120,000, and to cause the same to be paid into the hands of the treasurer of the said municipality for the purposes and with the objects above recited.

"2. It shall be lawful for the said reeve to cause any number of debentures to be made and issued for such sums of money as may be required for the purposes of this by-law, either in currency or sterling money, not less than \$100 currency or £20 sterling each, and not exceeding in the whole the sum of \$120,000, as in the immediately preceding section mentioned, and that the said debentures shall be sealed with the seal of the corporation of the municipality of Neebing, and be signed by the reeve, being the head of the said corporation, and also by the clerk of the said municipality.

"3. The said debentures shall be made payable in twenty years from the date when this by-law shall take effect, either in currency or sterling in this Province, Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

"4. The said debentures shall bear interest at the rate of six per cent. per annum from the date thereof, which interest shall be payable half-yearly, on the first days of September and March in each year, at the place where the said debentures shall be made payable in this Province, Great Britain or elsewhere."

And whereas by an Act of the Legislative Assembly of the Province of Ontario, an Act respecting the municipality of Neebing, the said by-law number seventy-three was declared valid, and it was therein provided that the said by-law should not take effect unless and until the council of the municipality of Neebing should pass a resolution in that behalf.

And whereas the said municipality has agreed to pass a resolution declaring that the said by-law shall take effect, and to hand over the debentures to be issued under the said by-law upon the execution of this indenture by the company.

Now therefore this indenture witnesseth that the company agrees with the municipality in consideration of the said bonus of \$120,000, under the provisions of the said by-law, being delivered to the company hereunder that the principal works and workshops of the company in the vicinity of Thunder Bay which may be erected by the company during the time the company desires to continue to take the benefit of exemption and of the payment of taxes under the provisions hereof, will be located and erected within the township of McKellar in the said municipality.

2. The company further agrees with the municipality to take the said debentures at par in lieu of becoming purchasers, and paying the amount thereof into the hands of the treasurer of the municipality, and receiving the said amount from him in currency.

3. The company further agrees with the municipality that upon the receipt of the said debentures, that they will at once deposit the same with two trustees, one to be appointed by each of the parties hereto, and in case of a vacancy in the trusteeship the party appointing the original trustee whose place is vacant may appoint his successor. Such trustees may place said debentures in any Canadian Chartered Bank for safe keeping, and are to hold said debentures and coupons for the following purposes: To pay with the coupons overdue, or as they may become due, all assessments, rates, levies, and taxes for the past years and the present year upon the real and personal property of the company in the township of McKellar, except (a) the real property of the company actually used and occupied by any other person or other corporation for the sole use and benefit of such other person or corporation by and with the consent and approval of the company while and during the period it is so actually used and occupied as aforesaid; (b) any vacant land of the company held for sale for speculative purposes by the company while the same is held for the purposes aforesaid.

4. Upon the passing of the by-law, which will exempt all the real and personal property of the company in the township of McKellar, except as aforesaid, from all municipal taxation for the period of ten years from the first day of December, eighteen hundred and eighty-nine, to cancel and deliver up to be destroyed debentures to the face value of \$60,000 with all their coupons not required for the purposes aforesaid.

5. To apply the coupons of the remaining \$60,000 debentures, or so much thereof as may be necessary to pay all school rates or taxes which may be assessed or levied upon the said property which is to be so exempt as aforesaid during the said period of ten years from the first of December, 1889

6. If upon the expiration of the said ten years from the first day of December, 1889, the said real and personal property, with the exception aforesaid, be made exempt from municipal and school taxes for the period of ten years thereafter, then to cancel and deliver up to the municipality to be destroyed the balance of the debentures and their coupons not used for the purpose aforesaid.

7. If upon the expiration of the said first ten years after the first of December, 1889, the said real and personal property in the township of McKellar, except as aforesaid, is not made exempt from all municipal and school taxation for said period of ten years, then the said trustees are to apply so much of the said coupons and the said debentures of \$60,000 remaining in their hands to pay all of the said municipal and school rates and taxes upon the said real and personal property during the said period of ten years from the first day of December, 1899, as the same may become due and upon the expiration of the said ten years from the first day of December, 1899, to cancel and deliver up to the municipality to be destroyed the balance



of the said debentures and coupons which may not have been used or applied for the purpose of paying said taxes and rates as aforesaid.

In witness whereof the parties hereto have caused their respective seals to be affixed and the hands of their respective officers to be set.

Signed, sealed and executed in the presence of

THE CANADIAN PACIFIC RAILWAY COMPANY :

(Signed) W. C. VAN HORNE,  
*President.*

.....  
SEAL  
.....

(Signed) G. DRINKWATER,  
*Secretary.*

THE CORPORATION OF THE MUNICIPALITY OF  
NEEBING :

(Signed) JOHN MCKELLAR,  
*Reeve.*

(Signed) J. T. BETHUNE,  
(Signed) THOS. T. THOMSON, (Signed) JNO. R. BROWN,  
as to the signatures of John  
McKellar and Jno. R. Brown. *Clerk.*

## SCHEDULE "B."

(Section 1.)

MUNICIPALITY OF NEEBING.

No. 101.

By-Law respecting a bonus of \$120,000 from the township of McKellar to the Canadian Pacific Railway Company.

Whereas by Act of the Legislative Assembly of the Province of Ontario, being chapter 66 of 52 Victoria, this municipality had certain powers conferred upon it with respect to railway companies; and whereas the said municipality of Neebing has entered into a contract with the Canadian Pacific Railway Company, bearing date the thirtieth day of December, A. D. 1889; and whereas in pursuance of said agreement the municipality has passed by-law number 97, exempting the real and personal property of the Canadian Pacific Railway Company in the township of McKellar in this municipality, as herein-after particularly set out, from all municipal taxation whatever for a period of ten years from the first day of December, A. D. 1889, intending to include thereby all school rates, and which said by-law when submitted to the ratepayers of the McKellar ward was carried unanimously; and whereas this municipality desires, in pursuance of said agreement, to pass this by-law exempting the aforesaid property in the township of McKellar aforesaid from all municipal taxation for a period of ten years from the first day of December, A. D. 1899; and

whereas this municipality also desires, in pursuance of said agreement, and of the unanimously expressed wish of the rate-payers of the said township of McKellar to pass this by law exempting the said property in the said township of McKellar from all school rates or taxes for a period of twenty years from the first day of December, A. D. 1889, all of which aforesaid exemptions are given in lieu of the issuing of debentures for \$120,000 as agreed to be given by said agreement of the 30th day of September, A. D. 1889, by way of bonus to the Canadian Pacific Railway Company from the township of McKellar aforesaid.

Therefore the council of the corporation of the municipality of Neebing, enacts as follows :—

1. That all the real and personal property of the Canadian Pacific Railway Company in the township of McKellar shall, for a period of ten years from the first day of December, A. D. 1899, be exempted from all assessments, rates, levies and taxes which may accrue to the said municipality during the said period.

2. That all the real and personal property of the Canadian Pacific Railway Company in the township of McKellar shall for a period of twenty years from the first day of December, A. D. 1889, be exempted from all school rates and taxes which may accrue to the said municipality during the said period, saving and excepting that the following property of the said company in the said township of McKellar shall not be included in either of the above exemptions, that is to say : (a) the real property of the company actually used or occupied by any other person or other corporation for the sole use and benefit of such other person or corporation by and with the consent and approval of the company while and during the period it is so actually used and occupied as aforesaid. (b) Any vacant land of the company held for sale for speculative purposes by the company while the same is held for the purposes aforesaid.

(Signed) JOHN McKELLAR,

*Reeve.*

(Signed) JOHN R. BROWN,

*Clerk.*

Council Chamber,  
Fort William West,  
in the township of Neebing.  
31st January, 1890.

.....  
: SEAL :  
.....

No. 65.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Municipality of  
Needing.

First Reading, 1890.

(Private Bill.)

Mr. CONNELL.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the Floating Debt of the Town of  
Aylmer.

WHEREAS the corporation of the town of Aylmer have by Preamble.

their petition represented that they have incurred liabilities to the amount of \$5,000, exclusive of the existing indebtedness of the said town, and that it is desirable for the said town to consolidate the said debt, and pay the same by issuing debentures for a sum sufficient to pay the said debt at the expiration of ten years, commencing in the year 1890, and ending in the year 1900, and paying interest thereon yearly in the meantime; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said corporation of the town of Aylmer to pass a by-law or by-laws authorizing the issue of debentures under the corporate seal, signed by the mayor and countersigned by the treasurer for the time being, for such sums not exceeding in the whole the sum of \$5,000, exclusive of interest, as the said council of the said corporation may from time to time direct and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this Province or Great Britain or elsewhere.

Issue of debentures for \$5,000 authorised.

2. The said Corporation may raise by way of loan upon the credit of the said debentures, from any person or persons, body or bodies corporate, either in this Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum not exceeding in the whole the sum of \$5,000 of lawful money of Canada.

Power to borrow on debentures.

3. The funds derived from the negotiation of the said debentures shall be applied by the said corporation to the said floating debt of \$5,000, and to and for no other purpose whatever, and no by-law or resolution of the said corporation shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

Application of funds.

4. The debentures to be issued as aforesaid shall be payable, the principal money in ten years from the date thereof, and the interest thereon payable yearly, on such day as the council of the said corporation may direct, according to the coupons attached thereto.

Payment of debentures and interest.

5. No irregularity in the form of the said debentures or of the by-law authorizing the issue thereof, shall render the same

Irregularities in form not to invalidate debentures.

invalid or illegal, or be allowed as a defence to any action that may be brought against the corporation for the recovery of the said debentures and interest, or any or either of them or any part thereof.

Assent of  
electors to by-  
law not re-  
quired.  
Rev. Stat. c.  
184.

6. It shall not be necessary to obtain the assent of the elec- 5  
tors of the said town to the passing of the said by-law under  
this act, or to observe the formalities in relation thereto, pre-  
scribed by *The Municipal Act* and the amendments thereto.

Special rate  
for payment  
of debentures  
and interest.

7. For payment of the principal money of the said debentures and the interest thereon, the municipal council shall im- 10  
pose a special rate per annum, over and above and in addition  
to all other rates to be levied in each year, during the time the  
interest only shall be payable on the said debentures, which  
shall be sufficient to pay the interest thereon in each year as it  
shall become due and shall also in the tenth year after the 15  
issue of the said debentures, impose a special rate over and  
above and in addition to all other rates to be levied in that  
year, which shall be sufficient to pay off the principal money  
of the said debentures. The said rate, in respect of which the  
said interest shall be levied, commencing with the year next 20  
before the year in which the interest shall be payable and  
continued in each of the next succeeding years, to and includ-  
ing the year in which the last payment of interest shall be  
payable, and the special rate in respect of the payment of  
the said principal money shall be levied commencing with the 25  
year next before the year in which the said principal sum  
shall become payable.





No. 66.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Floating Debt of  
the Town of Aylmer.

First Reading,	1890.
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(Private Bill.)

MR. DANCE.

TORONTO :

PRINTED BY WARWICK & SONS, 68 and 70 Front St. W.

## An Act respecting the Floating Debt of the Town of Aylmer.

**W**HEREAS the corporation of the town of Aylmer have by Preamble.  
 their petition represented that they have incurred liabilities to the amount of \$5,000, exclusive of the existing indebtedness of the said town, and that it is desirable for the said town to consolidate the said debt, and pay the same by issuing debentures for a sum sufficient to pay the said debt; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** It shall be lawful for the said corporation of the town of Aylmer to pass a by-law or by-laws authorizing the issue of debentures under the corporate seal, signed by the mayor and countersigned by the treasurer for the time being, for such sums not exceeding in the whole the sum of \$5,000, exclusive of interest, as the said council of the said corporation may from time to time direct and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this Province or Great Britain or elsewhere Issue of debentures for \$5,000 authorised.

**2.** The said Corporation may raise by way of loan upon the credit of the said debentures, from any person or persons, body or bodies corporate, either in this Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum not exceeding in the whole the sum of \$5,000 of lawful money of Canada. Power to borrow on debentures.

**3.** The funds derived from the negotiation of the said debentures shall be applied by the said corporation to the said floating debt of \$5,000, and to and for no other purpose whatever, and no by-law or resolution of the said corporation shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner. Application of funds.

**4.** The said debentures shall be payable in not more than twenty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly, on the first day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum. Payment of debentures and interest.

Term of debentures.

**5.** A portion of the \$5,000 of debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of December, 1890, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

**6.** It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Assent of electors to by-law not required.

Rev. Stat. c. 184.

**7.** It shall not be necessary to obtain the assent of the electors of the said town to the passing of the said by-law under this act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act* and the amendments thereto.

Special rate for payment of debentures and interest.

**8.** For payment of the principal money of the said debentures and the interest thereon, the municipal council shall impose a special rate per annum, over and above and in addition to all other rates to be levied in each year, during the time the interest only shall be payable on the said debentures, which shall be sufficient to pay the interest thereon in each year as it shall become due and shall also in the tenth year after the issue of the said debentures, impose a special rate over and above and in addition to all other rates to be levied in that year, which shall be sufficient to pay off the principal money of the said debentures. The said rate, in respect of which the said interest shall be levied, commencing with the year next before the year in which the interest shall be payable and continued in each of the next succeeding years, to and including the year in which the last payment of interest shall be payable, and the special rate in respect of the payment of the said principal money shall be levied commencing with the year next before the year in which the said principal sum shall become payable.





No. 66.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act respecting the Floating Debt of  
the Town of Aylmer.

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First Reading, 26th February, 1890.

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(*Reprinted as amended by Private Bills  
Committee*).

(Private Bill.)

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MR. DANCE.

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TORONTO :

PRINTED BY WATKINS & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the Floating Debt of the Town of Aylmer.

WHEREAS the corporation of the town of Aylmer have by Preamble.  
their petition represented that they have incurred liabilities to the amount of \$5,000, exclusive of the existing indebtedness of the said town, and that it is desirable for the said town to consolidate the said debt, and pay the same by issuing debentures for a sum sufficient to pay the said debt: and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said corporation of the town of Aylmer to pass a by-law or by-laws authorizing the issue of debentures under the corporate seal, signed by the mayor and countersigned by the treasurer for the time being, for such sums not exceeding in the whole the sum of \$5,000, exclusive of interest, as the said council of the said corporation may from time to time direct and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this Province or Great Britain or elsewhere. Issue of debentures for \$5,000 authorised.

2. The said Corporation may raise by way of loan upon the credit of the said debentures, from any person or persons, body or bodies corporate, either in this Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum not exceeding in the whole the sum of \$5,000 of lawful money of Canada. Power to borrow on debentures.

3. The funds derived from the negotiation of the said debentures shall be applied by the said corporation to the said floating debt of \$5,000, and to and for no other purpose whatever, and no by-law or resolution of the said corporation shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner. Application of funds.

4. The said debentures shall be payable in not more than twenty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly, on the first day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum. Payment of debentures and interest.

Term of debentures.

5. A portion of the \$5,000 of debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of December, 1890, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Assent of electors to by-law not required.

Rev. Stat. c. 184.

7. It shall not be necessary to obtain the assent of the electors of the said town to the passing of the said by-law under this act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act* and the amendments thereto.

Special rate for payment of debentures and interest.

8. For payment of the principal money on the said debentures and the interest thereon, the municipal council shall impose a special rate per annum, over and above and in addition to all other rates to be levied in each year, during the said twenty years, which shall be sufficient to pay the said principal money and interest thereon, in each year as it shall become due. The said rate, in respect of which the said principal money and interest thereon, shall be levied, commencing with the present year 1890, and continuing in each of the next succeeding years, to and including the year in which the last instalment thereof shall be payable.



4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the Floating Debt of  
the Town of Aylmer.

First Reading, 26th February, 1890.  
Second " 5th March, 1890.

*(Reprinted as amended by Committee  
of the Whole House).*

(Private Bill.)

MR. DANCE.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W



An Act respecting the Sinking Fund of the Town  
of Palmerston.

WHEREAS the corporation of the town of Palmerston Preamble.  
have by their petition shewn, that the said corporation  
in the forty-seventh year of Her Majesty's reign obtained the  
passing of an Act of the Legislative Assembly of the Province  
5 of Ontario, chaptered 55, intituled, "An Act to consolidate  
the debt of the Town of Palmerston," whereby the debenture  
and other debts of the said corporation were consolidated and  
the said corporation authorized and empowered to pay off  
such debenture debt by other means than out of a sinking  
10 fund as otherwise required; and whereas it appears by the  
said Act and the said petition that the said Act was passed  
upon the understanding that none of the sinking fund  
required to be levied by the said corporation for the purpose  
of redeeming any portion of such debenture debt had been  
15 levied in any year theretofore, and that the levy of the spe-  
cial rates therefor for the year 1883 should be unnecessary;  
and whereas it appears by said petition, that while said Act  
was pending a levy of such special rates for said year 1883  
was then in process of collection, but that such fact was  
20 overlooked in the said Act whereby doubts have arisen as to  
the proper appropriation thereof and as to the legality of a  
certain payment made out of said fund; and that the balance  
of said fund remains unappropriated and that no sinking fund  
has since said Act been required to be collected by said cor-  
25 poration for any purpose; and whereas the said corporation  
have by their petition shewn that it is just and desirable and  
in the interest of the said corporation that said sum should  
be declared to be released from its application to the pur-  
poses of a sinking fund and constituted a special trust fund  
30 for the purposes hereinafter authorized, and have prayed that  
an Act may be passed so disposing of the same and confirming  
and legalising said payments thereout; and whereas it is expe-  
dient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent  
35 of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. All moneys heretofore collected by the corporation  
of the town of Palmerston for the purposes of a sinking  
fund to be applied in redemption of debentures consolidated  
40 by the operation of chapter 55 of the Statutes of Ontario,  
passed in the 47th year of Her Majesty's reign, and intituled,  
"An Act to consolidate the Debt of the Town of Palmerston,"  
and levied by the said corporation in the said year 1883 or  
in any other year, are hereby declared to be freed, released  
and discharged from liability, to be used for the purposes only

Application  
of sinking  
fund.

for which the same were so levied, and are declared to have been by virtue of the said Act legally applicable for other legitimate purposes of said corporation, and the application by said corporation of the sum of \$1,000, portion of said moneys, in redemption of a portion of its said debenture debt in the year 1886, is hereby confirmed and declared a legal appropriation of the same. 5

Balance of sinking fund to constitute special trust fund.

2. The balance of said moneys in the hands of said corporation with the accumulated interest thereon amounting on the 31st day of December, 1889, in all, to the sum of \$2,962.30, 10 is hereby constituted and declared a special fund of the said corporation to be held, treated, used and appropriated by them for the purposes of school erection or fire protection, or both, for use by the said corporation in such manner and in such proportions as may be by them hereafter, from time to time, 15 by their by-law or by-laws in that behalf, designated and directed and not otherwise, except as hereinafter mentioned.

Power to apply special fund to general purposes.

3. Until such special fund is entirely so appropriated and expended the said corporation may, from time to time by their by-law or by-laws in that behalf, direct their treasurer to 20 draw out and use any portion thereof not then expended, in such sums as they may thereby direct, for the general purposes of the said corporation, but subject as hereinafter provided.

Moneys used for general purposes to be repaid to special fund.

4. The municipal council for the time being of the said corporation shall, on the 15th day of December in each year, 25 cause to be repaid and deposited into the credit of the said special fund all moneys so drawn out during the then current year or in any previous year, and until the same are entirely so repaid they shall be considered as a loan for current expenses to the said corporation in so far as entitling the said 30 corporation to provide for the repayment of the same as such.

Treasurer to return amount used for general purposes to special fund.

5. It shall be the duty of the said treasurer with or without special authority from the municipal council of said corporation, upon the said date and thereafter until the amount so drawn out is fully repaid, to transfer and restore to the 35 credit of the said special fund a sufficient portion of the general funds of the said corporation as the same come into his hands, to fully repay the said amount so drawn out.

Liability for sums not repaid to special fund.

6. In case of default in the repayment of any moneys so drawn out of said fund in the time and manner hereinbefore 40 provided, the said corporation shall be deemed to have unlawfully misappropriated the said moneys from said special fund upon said date, and any ratepayer of the said corporation may take such proceedings at law as may be necessary to compel the repayment forthwith of said moneys into the credit 45 of the said special fund by the said corporation as upon a wrongful misappropriation of such moneys by them to unauthorized purposes of the corporation.

Power to pass by-laws for purposes of Act.

7. The said corporation shall have power to pass by-laws for the purposes hereinbefore authorized, and no such by-law 50 shall require the assent of the ratepayers of said corporation or any of the formalities or requisites specially applicable by *The Municipal Act* in respect of by-laws requiring such assent.

Rev. Stat. c. 184.



4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the Sinking Fund of the  
Town of Palmerston.

First Reading,	1890.
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(Private Bill.)

MR. ALLAN.

An Act respecting the Sinking Fund of the Town  
of Palmerston.

**W**HEREAS the corporation of the town of Palmerston Preamble.  
have by their petition shewn, that the said corporation  
in the forty-seventh year of Her Majesty's reign obtained the  
passing of an Act of the Legislative Assembly of the Province  
of Ontario, chaptered 55, intituled, "An Act to consolidate  
the debt of the Town of Palmerston," whereby the debenture  
and other debts of the said corporation were consolidated and  
the said corporation authorized and empowered to pay off  
such debenture debt by *annual payments in pursuance of the  
provisions of the said Act*; and whereas it appears by the  
said Act and the said petition that the said Act was passed  
upon the understanding that none of the sinking fund  
required to be levied by the said corporation for the purpose  
of redeeming any portion of such debenture debt had been  
levied in any year theretofore, and that the levy of the spe-  
cial rates therefor for the year 1883 should be unnecessary;  
and whereas it appears by said petition, that while said Act  
was pending a levy of such special rates for said year 1883  
was then in process of collection, but that such fact was  
overlooked in the said Act whereby doubts have arisen as to  
the proper appropriation thereof and as to the legality of a  
certain payment made out of said fund, and that the balance  
of said fund remains unappropriated and that no sinking fund  
has since said Act been required to be collected by said cor-  
poration for any purpose; and whereas the said corporation  
have by their petition shewn that it is just and desirable and  
in the interest of the said corporation that said sum should  
be declared to be released from its application to the pur-  
poses of a sinking fund and *a portion thereof be constituted a  
special trust fund for the purposes hereinafter authorized*, and  
have prayed that an Act may be passed so disposing of the same  
and confirming and legalising said payments thereout; and  
whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. All moneys heretofore collected by the corporation  
of the town of Palmerston for the purposes of a sinking  
fund to be applied in redemption of debentures consolidated  
by the operation of chapter 55 of the Statutes of Ontario,  
passed in the 47th year of Her Majesty's reign, and intituled,  
"An Act to consolidate the Debt of the Town of Palmerston,"  
and levied by the said corporation in the said year 1883 or  
in any other year, are hereby declared to be freed, released  
and discharged from liability, to be used for the purposes only  
Application  
of sinking  
fund.



for which the same were so levied, and are declared to have been by virtue of the said Act legally applicable for all other purposes of said corporation.

Balance of sinking fund to constitute special trust fund.

2. The sum of \$2,100 portion of said moneys so collected is hereby constituted and declared a special fund of the said corporation to be held, treated, used and appropriated by them for the purposes of school erection or fire protection, or both, for use by the said corporation in such manner and in such proportions as may be by them hereafter, from time to time, by their by-law or by-laws in that behalf, designated and directed and not otherwise, except as hereinafter mentioned.

Power to apply special fund to general purposes.

3. Until such special fund is entirely so appropriated and expended the said corporation may, from time to time in any year previous to the 15th day of December by their by-law or by-laws in that behalf, direct their treasurer to draw out and use any portion thereof not then expended, in such sums as they may thereby direct, for the general purposes of the said corporation, but subject as hereinafter provided.

Moneys used for general purposes to be repaid to special fund.

4. The municipal council for the time being of the said corporation shall, on the 15th day of December in each year, cause to be repaid and deposited to the credit of the said special fund all moneys so drawn out during the then current year or in any previous year, and until the same are entirely so repaid they shall be considered as a loan for current expenses to the said corporation in so far as entitling the said corporation to provide for the repayment of the same as such.

Treasurer to return amount used for general purposes to special fund.

5. It shall be the duty of the said treasurer with or without special authority from the municipal council of said corporation, upon the said date and thereafter until the amount so drawn out is fully repaid, to transfer and restore to the credit of the said special fund a sufficient portion of the general funds of the said corporation as the same come into his hands, to fully repay the said amount so drawn out.

Liability for sums not repaid to special fund.

6. In case of default in the repayment of any moneys so drawn out of said fund in the time and manner hereinbefore provided, the said corporation shall be deemed to have unlawfully misappropriated the said moneys from said special fund upon said date, and any ratepayer of the said corporation may take such proceedings at law as may be necessary to compel the repayment forthwith of said moneys into the credit of the said special fund by the said corporation as upon a wrongful misappropriation of such moneys by them to unauthorized purposes of the corporation.

Power to pass by-laws for purposes of Act.

7. The said corporation shall have power to pass by-laws for the purposes hereinbefore authorized, and no such by-law shall require the assent of the ratepayers of said corporation or any of the formalities or requisites specially applicable by *The Municipal Act* in respect of by-laws requiring such assent.

Rev. Stat. c. 184.



No. 67.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act respecting the Sinking Fund of the  
Town of Palmerston.

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First Reading, 25th February, 1890.

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(*Reprinted as amended by Private Bills  
Committee.*)

(Private Bill.)

MR. ALLAN.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to amend the Acts relating to the Land  
Security Company.

**W**HEREAS The Land Security Company has petitioned Preamble.  
that an Act may be passed amending the Acts incor-  
porating and relating to the said company, by providing for  
cases of transmission of shares, debentures and debenture  
5 stock, by death, or by means other than by transfer, and by  
authorizing investments in debentures of the said company,  
and by authorizing the shareholders to further increase the  
capital stock of the said company; and whereas it is expedient  
to grant the prayer of the said petition;

10 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. If the interest of any person in any share in the capital  
stock or in any debenture, debenture stock, bond or obligation  
15 of the said company (such debenture, debenture stock, bond or  
obligation not being payable to bearer) is transmitted in con-  
sequence of the death, bankruptcy or insolvency of such per-  
son, or by other lawful means other than a transfer upon the  
books of the said company, the directors shall not be bound to  
20 allow any transfer pursuant to such transmission to be entered  
upon the books of the said company, or to recognize such  
transmission in any manner until a declaration in writing  
showing the nature of such transmission, and signed and exe-  
cuted by the person or persons claiming by virtue of such  
25 transmission, and also executed by the former owner, if living,  
and having power to execute the same, shall have been filed  
with the manager of the company, and approved by the  
directors, and if the declaration purporting to be signed and  
executed shall also purport to be made or acknowledged in the  
30 presence of a notary public, or a judge of a court of record, or  
a mayor of any city, town or borough, or other place, or a  
British consul or vice-consul, or other accredited representative  
of the British Government in any foreign country, the  
directors may, in the absence of direct actual notice of a con-  
35 trary claim, give full credit to the declaration and (unless the  
directors are not satisfied with the responsibility of the  
transferee) shall allow the name of the party claiming by  
virtue of the transmission to be entered in the books of the  
company.

Declaration of  
transferee on  
transmission  
of shares by  
death, etc.

40 2. If the transmission takes place by virtue of any testa-  
mentary act or instrument, or in consequence of any intestacy,  
the probate of the will, or letters of administration, or testa-  
ment testamentary, or other judicial or official document under

Proof of trans-  
mission of  
interest on  
death.

which the title, whether beneficial or as trustee, or administrator or executor of the personal estate of the deceased, shall pertain to be granted by any court or authority in the Dominion of Canada, or in Great Britain or Ireland or any other of Her Majesty's dominions, or in any foreign country, 5 or an authenticated copy thereof or official extract therefrom, shall, together with the declaration, be produced and deposited with the manager or other officer named by the directors for the purpose of receiving the same, and such production and deposit shall be sufficient justification and authority to the 10 directors for paying the amount or value of any dividend, debenture, debenture stock, coupon, bond or obligation or share, or transferring or consenting to the transfer of any debenture, debenture stock, bond or obligation or share, in pursuance of 15 or in conformity to such probate, letters of administration, or other document as aforesaid.

Directors may take opinion of court as to legality of claims.

3. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, debenture, debenture stock, bond, obligation, dividend, coupon or proceeds thereof, then and in such case it shall be lawful 20 for the company to file in the High Court of Justice for Ontario, a petition stating such doubt, and praying for an order or judgment adjudicating and awarding the said shares, debentures, debenture stock, bond, obligation, dividend, coupon or proceeds to the party or parties legally entitled to the same, 25 and such court shall have authority to restrain any action or proceedings against the company, the directors or officers thereof for the same subject matter, pending the determination of the petition, and the company and the directors and officers thereof shall be fully protected and indemnified by obedience 30 to such order or judgment against all actions, claims and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon; provided always that if the court adjudges that such doubts were reasonable, the costs, charges and expenses of the company 35 in and about such petition and proceedings shall form a lien upon such shares, debentures, debenture stock, bonds or obligations, dividends, coupons or proceeds, and shall be paid to the company before the company shall be obliged to transfer or to pay any such shares, debentures, debenture stock, bonds, obli- 40 gations, dividends, coupons or proceeds to the person or persons found entitled thereto.

Costs.

Rights of aliens, etc.

4. The provisions of this Act shall for all purposes extend to aliens, denizens and females and co-partners, and corporate bodies may hold shares in the company. 45

Trustees may invest in securities of company.

5. Any trustee, executor or administrator, if not by the instrument creating his trust expressly forbidden to do so, may invest any trust funds in the bonds, debentures or debenture stock of the company, and he shall not on account of the investment be liable as for a breach of trust, provided that 50 such investment shall in all other respects be reasonable and proper, and that the debentures are registered and transferrable only on the books of the company in his name as trustee for the particular trust estate for which they are held.



6. The capital stock of the company may be increased from time to time by resolution passed by two-thirds of the shareholders present, or represented by proxy, at a special meeting of the shareholders called for the purpose of considering such resolution to an amount not exceeding \$5,000,000. Power to increase capital stock.

7. The Acts incorporating and relating to the company are hereby amended as in this Act set forth. Amendment of former provisions.

No. 68.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the Acts relating to The  
Land Security Company.

First Reading,	1890.
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(Private Bill.)

Mr. LEYS.

TO BE PRINTED :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to amend the Acts relating to the Land  
Security Company.

**W**HEREAS The Land Security Company has petitioned Preamble.  
that an Act may be passed amending the Acts incor-  
porating and relating to the said company, by providing for  
cases of transmission of shares, debentures and debenture  
stock, by death, or by means other than by transfer, and by  
authorizing investments in debentures of the said company,  
and by authorizing the shareholders to further increase the  
capital stock of the said company; and whereas it is expedient  
to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. If the interest of any person in any share in the capital  
stock or in any debenture, debenture stock, bond or obligation  
of the said company (such debenture, debenture stock, bond or  
obligation not being payable to bearer) is transmitted in con-  
sequence of the death, bankruptcy or insolvency of such per-  
son, or by other lawful means other than a transfer upon the  
books of the said company, the directors shall not be bound to  
allow any transfer pursuant to such transmission to be entered  
upon the books of the said company, or to recognize such  
transmission in any manner until a declaration in writing  
showing the nature of such transmission, and signed and exe-  
cuted by the person or persons claiming by virtue of such  
transmission, and also executed by the former *holder*, if living,  
and having power to execute the same, shall have been filed  
with the manager of the company, and approved by the  
directors, and if the declaration purporting to be signed and  
executed shall also purport to be made or acknowledged in the  
presence of a notary public, or a judge of a court of record, or  
a mayor of any city, town or borough, or other place, or a  
British consul or vice-consul, or other accredited representative  
of the British Government in any foreign country, the  
directors may, in the absence of direct actual notice of a con-  
trary claim, give full credit to the declaration and (unless the  
directors are not satisfied with the responsibility of the  
transferee) shall allow the name of the party claiming by  
virtue of the transmission to be entered in the books of the  
company.

Declaration of  
transferee on  
transmission  
of shares by  
death, etc.

2. If the transmission takes place by virtue of any testa-  
mentary act or instrument, or in consequence of any intestacy,  
the probate of the will, or letters of administration, or testa-  
mentary, or other judicial or official document under

Proof of trans-  
mission of  
interest on  
death.

which the title whether beneficial or trustee, or *the administrator*, or other person, and date of the deceased, shall purport to be given, if by any court or authority in the Dominion of Canada, or in Great Britain or Ireland or any other of Her Majesty's Dominions, or in any foreign country, or an authenticated copy thereof or official extract therefrom, shall, together with the declaration, be produced and deposited with the manager or other officer named by the directors for the purpose of receiving the same, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, debenture, debenture stock, coupon, bond or obligation or share, or transferring or consenting to the transfer of any debenture, debenture stock, bond or obligation or share, in pursuance of or in conformity to such probate, letters of administration, or other document as aforesaid.

Directors may take opinion of court as to legality of claims.

3. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, debenture, debenture stock, bond, obligation, dividend, coupon or proceeds thereof, then and in such case it shall be lawful for the company to file in the High Court of Justice for Ontario, a petition stating such doubt, and praying for an order or judgment adjudicating and awarding the said shares, debentures, debenture stock, bond, obligation, dividend, coupon or proceeds to the party or parties legally entitled to the same, and such court shall have authority to restrain any action or proceedings against the company, the directors or officers thereof for the same subject matter, pending the determination of the petition, and the company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, claims and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon; provided always that if the court adjudges that such doubts were reasonable, the costs, charges and expenses of the company in and about such petition and proceedings shall form a lien upon such shares, debentures, debenture stock, bonds or obligations, dividends, coupons or proceeds, and shall be paid to the company before the company shall be obliged to transfer, *assent to the transfer of* the said shares, debentures, debenture stock, bonds, obligations, dividends, coupons or proceeds to the person or persons found entitled thereto.

Costs.

Rights of aliens, etc.

4. The provisions of this Act shall for all purposes extend to aliens, denizens and females and co-partners, and corporate bodies may hold shares in the company.

Preamble.

5. Whereas the said company claims and appears to be in an exceptional condition as to the security of its bonds, debentures and debenture stock, the said company having as a result of its operations heretofore a present net account of \$545,000, investments in mortgages on real estate amounting to \$1,030,724, real estate purchased at \$901,279 and now worth much more, the production and rent saving portion of the said real estate amounting to \$696,411, while the paid up stock of the company amounts to \$489,444, its subscribed capital to \$1,377,825 and its liabilities of every kind to the public being

\$875,596.30, while its assets amount to \$1,995,000, in addition to the unpaid portion of its subscribed capital aforesaid :

Therefore it is enacted the Lieutenant Governor in Council is authorized if he sees fit to approve of the company for the purpose of authorizing trustees to invest in the bonds, debentures or debenture stock of the company ; and thereupon any trustee, executor or administrator, if not by the instrument creating his trust expressly forbidden to do so, may invest any trust funds in the bonds, debentures or debenture stock of the company, and he shall not on account of the investment be liable as for a breach of trust, provided that such investment shall in all other respects be reasonable and proper, and that the debentures are registered and transferrable only on the books of the company in his name as trustee for the particular trust estate for which they are held.

Investments of trustees in securities of company.

Provided always, that such approval shall not be given by the Lieutenant-Governor in Council, unless and so long only as the company shall maintain a reserve equal to at least one half of the amount paid up on the shares of the capital stock of the company.

Proviso.

(2) The Lieutenant-Governor in-Council may, from time to time, appoint a suitable person to investigate the affairs and management of the company, who shall report thereon to the Provincial Treasurer and the expense of such investigation shall be paid by the company and the person so appointed may if he deems necessary examine the officers or directors of the company under oath as to the affairs of the company.

(3) The Lieutenant-Governor in Council may revoke the approval given under this section.

6. The capital stock of the company may be increased from time to time by resolution passed by two-thirds of the shareholders present, or represented by proxy, at a special meeting of the shareholders called for the purpose of considering such resolution to an amount not exceeding \$5,000,000.

Power to increase capital stock.

7. The company shall not be bound to see to the execution of any trust whether expressed, implied or constructive to which any share or shares of its stock, or to which any deposit or any other monies payable by or in the hands of the company or any bonds, debentures or debenture stock issued by the company may be subject ; and the receipt of the party or parties in whose name such share or shares, monies, bonds, debentures or debenture stock may be held or stand in the books of the company shall, from time to time, be sufficient discharge to the company for any payment of any kind made in respect of the same, notwithstanding any trust to which the same may then be subject, and whether or not the company has had notice of such trust, and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to execution of trusts.

8: The Acts incorporating and relating to the company are hereby amended as in this Act set forth.

Amendment of former provisions.



No. 68.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend the Acts relating to The  
Land Security Company.

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First Reading, 25th February, 1890.

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*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. LEYS.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W

**An Act to amend the Act Incorporating the Amherstburg, Lake Shore and Blenheim Railway Company.**

**W**HEREAS the Amherstburg, Lake Shore and Blenheim Railway Company, by petition, prayed that the Act passed in the fifty-seventh year of Her Majesty's reign, chapter seventy-eight, be amended so as to enable the said company to extend their railway to the town of Simcoe, in the county of Norfolk, and for certain other amendments to facilitate the construction of said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section number 2 of the said Act to incorporate the Amherstburg, Lake Shore and Blenheim Railway Company, is repealed and the following substituted therefor:—

“2. The said company and their agents or servants shall have full power and authority under this Act to lay out, construct and finish, a double or single iron or steel railway from some point at or near the town of Amherstburg, in the county of Essex, to a point at or near the town of Simcoe, in the county of Norfolk, and also from some point at or near the said town of Amherstburg, to a point at or near the town of Windsor, in the said county of Essex.”

3. Section 17 of the said Act is amended by striking out all the words after the word “contained” in the eighth line of the said section 17 and by substituting the following therefor, “provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the majority of the votes given thereon in the municipality or portion of municipality to which the said by-law has been submitted.”

4. Sub-section 4 of section 18 of the said Act is hereby amended by striking out the words “fifty resident” in the fifth line of the said sub-section 4 and inserting the word “thirty” in lieu thereof.

5. Section 22 of the said Act is hereby repealed.

52 V. c. 78, s.  
22 repealed.

6. That portion of section 1 of the said Act relating to the name of the said railway company is hereby repealed and hereafter the name of the company shall be “The Lake Erie and

52 V. c. 78, s.  
1 amended.

Name of company.      Detroit River Railway Company " and the same shall be substituted for " The Amherstburg, Lake Shore and Blenheim Railway Company " wherever such name occurs in the Act incorporating the said company and in the schedules appended thereto.

Extension of time for commencement and completion of work.      7. The time for commencing the said railway is hereby further extended for three years, and the time for the completion thereof is further extended for seven years from the passing of this Act.



4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Act Incorporating the  
Amherstburg, Lake Shore and Blenheim  
Railway.

First Reading,	1890.
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(Private Bill.)

MR. BALFOUR.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



**An Act to amend the Act Incorporating the Amherstburg, Lake Shore and Blenheim Railway Company.**

**W**HEREAS the Amherstburg, Lake Shore and Blenheim Railway Company have, by their petition, prayed that the Act passed in the fifty second year of Her Majesty's reign, chapter seventy-eight, be amended so as to enable the said company to extend their railway to the town of Simcoe, in the county of Norfolk, and for certain other amendments to facilitate the construction of said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of the said *Act to incorporate the Amherstburg, Lake Shore and Blenheim Railway Company*, is repealed and the following substituted therefor :—

“ 2. The said company hereby incorporated and their agents or servants shall have full power and authority under this Act to lay out and construct and finish, a double or single iron or steel railway from some point at or near the town of Amherstburg, in the county of Essex, to a point at or near the unincorporated village of Harrow, and south of the fourth concession of the township of Colchester South; thence to the village of Kingsville, in the township of Gosfield South; thence to the village of Leamington, in the township of Mersea; thence to the unincorporated village of Wheatley, in the townships of Mersea and Romney, by a course south of the eighth concession of the said township of Mersea; thence to a point at or south of the town of Blenheim, in the township of Harwich, in the county of Kent; thence to a point at or south of Wallacetown, in the township of Dunwich, in the county of Elgin; thence to a point at or south of Luton, in the township of Malahide, in said county of Elgin; and thence to a point at or south of the town of Simcoe, in the county of Norfolk; and also from some point at or near the said town of Amherstburg, to the town of Sandwich, by a course west of the third concession of the township of Anderdon; and thence to a point at or near the town of Windsor, in the county of Essex.”

2. That portion of section 1 of the said Act relating to the name of the said railway company is hereby repealed and hereafter the name of the company shall be “The Lake Erie and Detroit River Railway Company” and the same shall be substituted for “The Amherstburg, Lake Shore and Blenheim

Preamble.

52 V. c. 78, s. 2 repealed.

Location of line.

Name of company.

Railway Company" wherever such name occurs in the Act incorporating the said company and in the schedules appended thereto.

Extension of time for commencement and completion of work.      3. The time for commencing the said railway is hereby further extended for three years, and the time for the completion thereof is further extended for seven years from the passing of this Act.



No. 69.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the Act Incorporating the  
Amherstburg, Lake Shore and Blenheim  
Railway.

First Reading 25th February, 1890.

*Reprinted as amended by Railway Com-  
mittee.)*

(Private Bill.)

Mr. BALFOUR.

TORONTO:

Printed by WARWICK & SONS, 68 & 70 FRONT ST. W.

An Act to Consolidate the Debt of the Township  
of Wallace.

WHEREAS the corporation of the township of Wallace, Preamble.

in the county of Perth, have, by their petition, represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways to the extent of \$20,000, for which amount debentures have been issued under the authority of two several by-laws duly passed by said corporation; that of the said debenture debt there will mature the sum of \$10,000 on the first day of March, A.D. 1891, under and by virtue of by-law No. 117 of said township, for the purpose of aiding the Wellington, Grey and Bruce Railway Company by a free grant or donation of debentures by way of bonus to the extent of \$10,000, subject to certain terms, restrictions and conditions; and there will also mature the sum of \$10,000 on or about the first day of January, A.D. 1898, under and by virtue of by-law No. 180 of said township, for the purpose of aiding and assisting the Stratford and Huron Railway Company by granting thereto the sum of \$10,000 by way of bonus, and to provide for the issue of debentures therefor, and to authorize the levying of a special rate for the payment of said debentures and interest thereon; and whereas the said corporation have represented that there has been no provision made for the payment of said debentures, and that it would be in their interest to obtain an Act consolidating the debt of the said township and authorizing the issue of debentures in order to retire the debentures now outstanding; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The debts of the said corporation of the township of Wallace, in the county of Perth, are hereby consolidated at the sum of \$20,000, and it shall be lawful for the said corporation to pass a by-law or by-laws authorizing the issue of debentures of the said township for a sum not exceeding in the whole the sum of \$20,000 to redeem the said outstanding debentures issued under the by-laws hereinbefore first mentioned, and the said corporation may, after the redemption of the original debentures, repeal the said by-laws so far as regards the levying of rates imposed by the same for the redemption of said original debentures and the payment of interest thereon.

Debts consolidated.

2. The debentures to be issued under the preceding section of this Act shall be made payable at such time or times not

Payment of debentures.



less than twenty years and not more than thirty years from the date thereof, as said corporation may direct, at such place or places either within or without this Province, and shall be for such sums either in sterling or currency not less than \$100 each, as the said corporation may, by such by-law or by-laws, direct, and the said debentures shall bear interest at a rate not exceeding five per cent. per annum, payable yearly or half-yearly, as by such by-law or by-laws may be provided. 5

Power to  
borrow on  
debentures.

3. The said corporation may raise, by way of loan upon the credit of the said debentures to be issued under section 1 of this Act, a sum of money not exceeding, in the whole, the sum of \$20,000, and the treasurer of said corporation shall, upon receiving instructions so to do from the municipal council, call in and discharge, with the funds raised upon the said debentures, but only with the consent of the holders thereof, the outstanding debentures mentioned in the preamble to this Act, or may substitute for the said outstanding debentures or any of them, the debentures authorized to be issued under any by-law passed under the provisions of this Act upon such terms as may be agreed on between the corporation and the holders of such outstanding debentures. 10 15 20

Special rate.

4. The by-law or by-laws authorizing the issue of such debentures shall impose a special rate per annum (over and above all other rates to be levied each year) which shall be sufficient to pay the interest on such debentures, and to provide a sinking fund for the due payment of the principal of the said debentures when the same shall fall due. 25

Investment of  
sinking fund.

5. The treasurer of said corporation, by and with the consent and approbation of the municipal council, from time to time shall have power to invest all moneys standing at the credit of the sinking fund created under this Act in the redemption of the said outstanding debentures of the said corporation, or in the debentures issued under the authority of this Act, or in Government securities, municipal debentures or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, but not to a greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or in such manner as the Lieutenant-Governor in Council may, by general or special order, direct, or he may deposit the same in any chartered bank of the Dominion of Canada of which the council may from time to time approve, and all dividends and interest received on such investments shall be applied to the extinction of the loan authorized to be raised under this Act. 30 35 40 45

Assent of electors not required to by-law.

R. S. O., c.  
184.

6. It shall not be necessary to obtain the assent of the electors of the said township to the passing of any by-law or by-laws which shall be required under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act* or amendments thereto, and anything in the said *Municipal Act* which is or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act. 50 55

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the said corporation and for no other purposes whatsoever, and said debentures may be known as "The Consolidated Debt Debentures, Township of Wallace."

8. The debentures issued under this Act may be in the form contained in the schedule "A" to this Act, and the by-law or by-laws authorizing the same, and for the special rate for payment of interest and to form a sinking fund, may be in the form of schedule "B" to this Act.

9. No irregularity in form, either of the said debentures to be issued under this Act or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

## SCHEDULE "A."

(Section 8.)

### PROVINCE OF ONTARIO.

#### *Consolidated Debt Debenture, Township of Wallace.*

Under and by virtue of an Act to consolidate the debt of the township of Wallace, in the county of Perth, passed in the year of Her Majesty's reign and chaptered The corporation of the township of Wallace, in the county of Perth, promise to pay to the bearer at the sum of                      on the                      day of                      one thousand hundred and                      and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the township of Wallace this                      day of  
A.D.                      .

## SCHEDULE "B."

(Section 8.)

By-law No                      to authorize the issue of debentures under the authority of an Act to consolidate the debenture debt of the township of Wallace, passed in the                      year of Her Majesty's reign, chaptered                      and the levying of a special rate for the payment of said debentures.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$20,000 in the whole as the corporation of the township of Wallace may direct; and whereas, for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$                      payable on the                      day of

with interest thereon at the rate of            per cent.  
 per annum, payable            yearly according to the coupons to  
 the said debentures attached; and whereas the said Act  
 requires, for the payment of the debentures to be issued there-  
 under, that the council shall levy a special rate which shall be  
 sufficient to pay the sums falling due annually for interest on  
 said debentures, and to provide a sinking fund for the due  
 payment of the principal thereof, and it will require the sum  
 of \$            to be raised annually for the said interest and sink-  
 ing fund; and whereas the amount of the whole ratable prop-  
 erty of the township of Wallace, according to the last revised  
 assessment roll of the said township, being for the year one  
 thousand            hundred and            was \$            .

Therefore the municipal council of the township of Wallace  
 enacts as follows:—

1. That debentures under the said Act and for the purposes  
 therein mentioned, to be known as "Consolidated Debt Deben-  
 tures," to the extent of the sum of \$            are hereby author-  
 ized and directed to be issued.

2. The said debentures shall have coupons attached thereto  
 for the payment of interest at the rate of            per cent. per  
 annum, payable            yearly on the            day of            in  
 each year.

3. For the purpose of forming a sinking fund for the  
 payment of the said debentures and for the interest at the rate  
 aforesaid to become due thereon, the sum of \$            shall, over  
 and above and in addition to all other sums or rates, be raised,  
 levied and collected in each year upon all the ratable property in  
 the said township of Wallace during the continuance of the  
 said debentures or any of them.

This by-law passed in open council this            day of  
 in the year of our Lord one thousand            hundred and            .



No. 70.

4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act to Consolidate the Debt of the  
Township of Wallace.

First Reading,    th February, 1890.

(Private Bill.)

Mr. HESS.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to Consolidate the Debt of the Township  
of Wallace.

**W**HEREAS the corporation of the township of Wallace, Preamble.  
in the county of Perth, have, by their petition, represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways to the extent of \$20,000, for which amount debentures have been issued under the authority of two several by-laws duly passed by said corporation; that of the said debenture debt there will mature the sum of \$10,000 on the first day of March, A.D. 1891, under and by virtue of by-law No. 117 of said township, for the purpose of aiding the Wellington, Grey and Bruce Railway Company by a free grant or donation of debentures by way of bonus to the extent of \$10,000, subject to certain terms, restrictions and conditions, and there will also mature the sum of \$10,000 on or about the first day of January, A.D. 1898, under and by virtue of by-law No. 180 of said township, for the purpose of aiding and assisting the Stratford and Huron Railway Company by granting thereto the sum of \$10,000 by way of bonus, and to provide for the issue of debentures therefor, and to authorize the levying of a special rate for the payment of said debentures and interest thereon; and whereas the said corporation have represented that there has been no provision made for the payment of said debentures, and that it would be in their interest to obtain an Act consolidating the debt of the said township and authorizing the issue of debentures in order to retire the debentures now outstanding; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The debts of the said corporation of the township of Wallace, in the county of Perth, are hereby consolidated at the sum of \$20,000, and it shall be lawful for the said corporation to pass a by-law or by-laws authorizing the issue of debentures of the said township for a sum not exceeding in the whole the sum of \$20,000 to redeem the said outstanding debentures issued under the by-laws hereinbefore first mentioned, and the said corporation may, after the redemption of the original debentures, repeal the said by-laws so far as regards the levying of rates imposed by the same for the redemption of said original debentures and the payment of interest thereon. Debts consolidated.



**2.** The debentures to be issued under the preceding section of this Act shall be made payable at such time or times not Payment of debentures.

less than twenty years and not more than thirty years from the date thereof, as said corporation may direct, at such place or places either within or without this Province, and shall be for such sums either in sterling or currency not less than \$100 each, as the said corporation may, by such by-law or by-laws, direct, and the said debentures shall bear interest at a rate not exceeding five per cent. per annum, payable yearly or half-yearly, as by such by-law or by-laws may be provided.



Power to  
borrow on  
debentures.

**3.** The said corporation may raise, by way of loan upon the credit of the said debentures to be issued under section 1 of this Act, a sum of money not exceeding, in the whole, the sum of \$20,000, and the treasurer of said corporation shall, upon receiving instructions so to do from the municipal council, call in and discharge, with the funds raised upon the said debentures, but only with the consent of the holders thereof, the outstanding debentures mentioned in the preamble to this Act, or may substitute for the said outstanding debentures or any of them, the debentures authorized to be issued under any by-law passed under the provisions of this Act upon such terms as may be agreed on between the corporation and the holders of such outstanding debentures.



Payment of  
debentures  
and interest.

 **4.** The said debentures shall be payable in not more than thirty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly, on the first day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum. 

Term of  
debentures.

 **5.** A portion of the \$20,000 of debentures to be issued under this Act, shall be made payable in each year for a period not exceeding thirty years from the first day of December, 1890, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. 

Special rate.

 **6.** It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them. 

Assent of elec-  
tors not re-  
quired to  
by-law.

**7.** It shall not be necessary to obtain the assent of the electors of the said township to the passing of any by-law or by-laws which shall be required under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act* or amendments thereto, and anything in the said *Municipal Act* which is or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

R. S. O., c.  
184.

8. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the said corporation and for no other purposes whatsoever, and said debentures may be known as "The Consolidated Debt Debentures, Township of Wallace." Application of funds.

9. No irregularity in form, either of the said debentures to be issued under this Act or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof. Irregularities in form not to invalidate debentures.

BILL.

An Act to Consolidate the Debt of the  
Township of Wallace.

First Reading, 26th February, 1890.

*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. HESS.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to Consolidate the Debt of the Township  
of Wallace.

**W**HEREAS the corporation of the township of Wallace, Preamble.  
in the county of Perth, have, by their petition, represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways to the extent of \$20,000, for which amount debentures have been issued under the authority of two several by-laws duly passed by said corporation; that of the said debenture debt there will mature the sum of \$10,000 on the first day of March, A.D. 1891, under and by virtue of by-law No. 117 of said township, for the purpose of aiding the Wellington, Grey and Bruce Railway Company by a free grant or donation of debentures by way of bonus to the extent of \$10,000, subject to certain terms, restrictions and conditions, and there will also mature the sum of \$10,000 on or about the first day of January, A.D. 1898, under and by virtue of by-law No. 180 of said township, for the purpose of aiding and assisting the Stratford and Huron Railway Company by granting thereto the sum of \$10,000 by way of bonus, and to provide for the issue of debentures therefor, and to authorize the levying of a special rate for the payment of said debentures and interest thereon; and whereas the said corporation have represented that there has been no provision made for the payment of said debentures, and that it would be in their interest to obtain an Act consolidating the debt of the said township and authorizing the issue of debentures in order to retire the debentures now outstanding; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The debts of the said corporation of the township of Wallace, in the county of Perth, are hereby consolidated at the sum of \$20,000, and it shall be lawful for the said corporation to pass a by-law or by-laws authorizing the issue of debentures of the said township for a sum not exceeding in the whole the sum of \$20,000 to redeem the said outstanding debentures issued under the by-laws hereinbefore first mentioned, and the said corporation may, after the redemption of the original debentures, repeal the said by-laws so far as regards the levying of rates imposed by the same for the redemption of said original debentures and the payment of interest thereon. Debts consolidated.

2. The debentures to be issued under the preceding section of this Act shall be made payable at such time or times not Payment of debentures.





more than twenty years and from the date thereof, as said corporation may direct, at such place or places either within or without this Province, and shall be for such sums either in sterling or currency not less than \$100 each, as the said corporation may, by such by-law or by-laws, direct, and the said debentures shall bear interest at a rate not exceeding five per cent. per annum, payable yearly or half-yearly, as by such by-law or by-laws may be provided.



Power to  
borrow on  
debentures.

3. The said corporation may raise, by way of loan upon the credit of the said debentures to be issued under section 1 of this Act, a sum of money not exceeding, in the whole, the sum of \$20,000, and the treasurer of said corporation shall, upon receiving instructions so to do from the municipal council, call in and discharge, with the funds raised upon the said debentures, but only with the consent of the holders thereof, the outstanding debentures mentioned in the preamble to this Act, or may substitute for the said outstanding debentures or any of them, the debentures authorized to be issued under any by-law passed under the provisions of this Act upon such terms as may be agreed on between the corporation and the holders of such outstanding debentures.

Special rate.

4.  The by-law or by-laws authorizing the issue of such debentures shall impose a special rate per annum (over and above all other rates to be levied each year) which shall be sufficient to pay the interest on such debentures, and to provide a sinking fund for the due payment of the principal of the said debentures when the same shall fall due. 

Investment of  
sinking fund.

5.  The treasurer of the said corporation, by and with the consent and approbation of the municipal council, from time to time shall have power to invest all moneys standing at the credit of the sinking fund created under this Act in the redemption of the said outstanding debentures of the said corporation, or in the debentures issued under the authority of this Act, or in Government securities, municipal debentures or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, but not to a greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or in such manner as the Lieutenant-Governor in Council may, by general or special order, direct, or he may deposit the same in any chartered bank of the Dominion of Canada of which the council may from time to time approve, and all dividends and interest received on such investments shall be applied to the extinction of the loan authorized to be raised under this Act. 

Assent of elec-  
tors not re-  
quired to  
by-law.

R. S. O., c.  
184.

6. It shall not be necessary to obtain the assent of the electors of the said township to the passing of any by-law or by-laws which shall be required under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act* or amendments thereto, and anything in the said *Municipal Act* which is or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the said corporation and for no other purposes whatsoever, and said debentures may be known as "The Consolidated Debt Debentures, Township of Wallace."

Application of funds.

8. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the investments which shall, from time to time, be made of the sinking fund, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Treasurer to keep books shewing state of debenture account.

9. The debentures issued under this Act may be in the form contained in the schedule "A" to this Act, and the by-law or by-laws authorizing the same, and for the special rate for payment of interest and to form a sinking fund may be in the form of schedule "B" to this Act.

Form of debentures.

10. No irregularity in form, either of the said debentures to be issued under this Act or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Irregularities in form not to invalidate debentures.

## SCHEDULE "A."

(Section 9.)

PROVINCE OF ONTARIO.

*Consolidated Debt Debenture, Township of Wallace.*

Under and by virtue of an Act to consolidate the debt of the township of Wallace, in the county of Perth, passed in the year of Her Majesty's reign and chaptered the corporation of the township of Wallace, in the county of Perth, promise to pay to the bearer at the sum of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand hundred and \_\_\_\_\_ and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the township of Wallace this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_.

## SCHEDULE "B."

(Section 9.)

By-law No. , to authorize the issue of debentures under the authority of an Act to consolidate the debenture debt of the township of Wallace, passed in the year of Her Majesty's reign, chaptered and the levying of a special rate for the payment of said debentures.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$20,000 in the whole as the corporation of the township of Wallace may direct, and whereas, for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ payable on the day of with interest thereon at the rate of per cent. per annum, payable yearly according to the coupons to the said debentures attached; and whereas the said Act requires, for the payment of the debentures to be issued thereunder, that the council shall levy a special rate which shall be sufficient to pay the sums falling due annually for interest on said debentures, and to provide a sinking fund for the due payment of the principal thereof, and it will require the sum of \$ to be raised annually for the said interest and sinking fund; and whereas the amount of the whole ratable property of the township of Wallace, according to the last revised assessment roll of the said township, being for the year one thousand hundred and was \$ .

Therefore the municipal council of the township of Wallace enacts as follows:—

1. That debentures under the said Act and for the purposes therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of per cent. per annum, payable yearly on the day of in each year.

3. For the purpose of forming a sinking fund for the payment of the said debentures and for the interest at the rate aforesaid to become due thereon, the sum of \$ shall, over and above and in addition to all other sums or rates, be raised, levied and collected in each year upon all the ratable property in the said township of Wallace during the continuance of the said debentures, or any of them.

This by-law passed in open council this day of in the year of our Lord one thousand hundred and



4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to Consolidate the Debt of the  
Township of Wallace.

First Reading, 26th February, 1890.  
Second " 7th March, 1890.

*(Reprinted as again amended by Private  
Bills Committee.)*

(Private Bill.)

Mr. HESS,

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



Bills 71 to 75, both inclusive, mislaid by binders  
and copies c<sup>d</sup> not be obtained. Vide files in  
Postoffice office. Warwick Bros. moving 15  
new business offices.

No. 76.]

## BILL.

1890.

### An Act to Amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Section 258 of *The Municipal Act* is hereby repealed, Rev. Stat. c.  
184 s. 258  
repealed.  
5 and the following substituted therefor:

258. (1) Subject to the provisions of the next two sections Auditors to be  
appointed by  
councils.  
as to cities, every council shall at the first meeting thereof in  
the year 1891, after being duly organized appoint two auditors,  
but no one who, at such time or during the preceding year, is  
10 or was a member, or is or was clerk or treasurer of the council,  
or who has, or during the preceding year had, directly, or in-  
directly, alone or in conjunction with any other person, a share  
or interest in any contract or employment with or on behalf of  
the corporation except as auditor, shall be appointed an  
15 auditor.

(2) The said auditors shall continue and hold office during  
the pleasure of the council, and in the event of a vacancy in  
the office of auditor happening by death, dismissal, resignation  
or otherwise, the same shall from time to time be filled by the  
20 council as the said vacancy may occur.

(3) And in the event of an auditor so appointed to audit  
the accounts of a county refusing, or being unable to act, then  
the warden of the county, if the council is not holding its  
sittings at the time shall appoint another person to act in his  
25 stead until the first meeting of the council thereafter, and at  
such meeting the council shall appoint an auditor in the room  
of the auditor so refusing, or being unable to act.

(4) The auditors of counties, townships, towns, and incor-  
porated villages shall discharge the duties imposed upon audi-  
30 tors by sub-sections 1 and 2 of section 263 of this Act.

Provided that in sub-section 1 of said section number 263 Proviso.  
the words "preceding their appointment" in the  
fourth line thereof shall only apply to the said  
recited municipalities in the year 1891, and in lieu  
thereof in every year thereafter the words "of the  
35 preceding year," shall apply; and provided that Proviso.  
in said sub-section 2 of section number 263, the  
words "within one month after their appointment,"  
in the tenth line thereof, shall only apply in the  
year 1891, and in lieu thereof, in every year there-  
40 after the words "before the 31st day of January  
in the then current year," shall apply.

2. The provisions of this Act shall come in force on the Commence-  
ment of Act.  
first day of January, 1891.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to Amend the Municipal Act.

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First Reading, 6th February, 1890.

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MR. WATERS.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

## An Act to amend the General Road Companies Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Ontario Road Companies Act, 1890.*" Short title.

2.—(1) The county council of any County in which a toll road is in operation shall on the petition of one hundred ratepayers of such county, or on the petition of any municipal authority representing the interest of the locality through or along the boundary of which such toll road passes or in which the work is situated, pass a by-law declaring that it is expedient to take proceedings under this act for the purchase of such toll road. By-law for purchase of road.

(2) A copy of such by-law shall be transmitted by the clerk of such county to the Provincial Secretary immediately after the passing thereof.

(3) Upon the receipt of the said by-law the Lieutenant-Governor in Council may appoint an arbitrator, who with the judge of the county court of such county and a third arbitrator to be chosen by them, shall form a board of arbitration to determine what municipalities or portions of municipalities within the county, are interested in and would be benefited by the purchase of such road and the removal of the tolls therefrom.

3. The arbitrators shall within three months after the appointment of the third arbitrator, make their award determining what municipalities or portions of municipalities are interested in the purchase of said road, and shall also determine and report what would be the fair percentage of the cost of such purchase, including all arbitration expenses payable by such municipalities, which shall be borne by each municipality or portion of municipality by the said award declared to be interested therein. Award of arbitrators.

4. The clerk of the county whose council pass any such by-law, shall cause to be served upon the clerk of each municipality which, or portion of which, it is sought to have declared by such arbitrators to be interested in and benefited by the purchase of such road and the removal of the tolls therefrom, a written notice of the time and place of meeting of such arbitrators for the purposes aforesaid, at least six days before such meeting, and each of such municipalities or any person interested shall be entitled to be represented or heard before the said board of arbitration. Notice to municipalities interested.

Grouping  
roads.

5. Should there be a number of roads for the purchase of which a petition or petitions have been presented, the said board of arbitration may, in determining the percentage to be paid by different municipalities, treat two or more of said roads, or all of said roads in such county as one combined system, 5 and may make one award fixing the said percentage and defining the municipalities or portions of municipalities liable to contribute for the purchase of said roads, or they may make separate apportionments of the fair percentage of the cost of purchase of each or any of said roads among the several 10 municipalities or localities which should contribute to the purchase of such road.

Matters to be  
considered by  
arbitrators.

6. In determining the said percentage the board of arbitration shall take into consideration the last equalized assessment of the several municipalities declared by their said award 15 to be interested; and as to towns and cities separated from such county, the said board of arbitration shall, for the purposes of such consideration, equalize the last assessment of such towns or cities with the last equalized assessment of such county, and in determining the said percentage, shall consider 20 the assessment so equalized; and the said board shall also consider the amount of benefit to be derived by each municipality from the removal of said tolls and any and all other circumstances which in their opinion affect the questions to be considered by them and in respect to which their award 25 should be made.

Award to be  
filed.

7. The report and award of the said board of arbitration shall be filed with the clerk of the county and shall become final and absolute at the expiration of thirty days from the filing thereof, unless appealed from by any municipality inter- 30 ested, but the court or judge may, under special circumstances, allow an appeal after thirty days.

Notice of  
award.

8. Upon the said award being filed as aforesaid, such clerk shall forthwith cause written notice thereof, to be served upon the clerk of each municipality interested therein. 35

Appeal.

9. The appeal from a report or award referred to in the section 7 of this Act, shall be to the High Court of Justice, and may be heard before and decided by a judge of said court, and the practice to be observed upon any such appeal, shall be the practice now observed in appeals from the 40 report of an official referee; and such Judge may upon such appeal either amend the said report and award in any way and to any extent that he may deem proper, or refer the same back to the said board of arbitrators for amendment in whole or in part, with such direction as to law or fact as he may deem 45 proper, or he may confirm the same.

Corporations  
may purchase  
roads.

10. The councils of the several municipalities declared by said award to be interested may enter into a contract for the purchase of any such road or roads with any person, company or municipal corporation owning the same, at such price as may 50 be agreed upon between them, or at such price as shall be fixed by arbitration under the provisions of this Act; and upon payment of the purchase money the owner or owners of any such road or roads shall execute all necessary conveyances to



vest in the said several municipalities the title to such portions of said road or roads as may lie within their respective limits.

11. Should the councils of the said municipalities be unable to agree with the owner or owners of any such road or roads as to the amount of purchase money to be paid therefor, the value of such road or roads shall be determined by the award of the said board of arbitration; and the holders of the majority of the stock of any road company represented at a general special meeting of the shareholders of such company duly called for that purpose, shall have power to determine the price at which any road owned by the company, may be purchased by the county council without arbitration.

Arbitration to determine value.

12. In determining the amount of such purchase money to be paid for any such road or roads, the arbitrators shall consider in each case: (1) The state of repair of said road or roads; (2) The original cost thereof to the present owner or owners; (3) The amount expended in repairs, or which should have been expended thereon for the purpose of keeping the same in good repair, by the present owner or owners since he or they acquired such road or roads, or during the previous six years, whichever is the shorter period; (4) Total dividends paid to the present owner or owners since he or they acquired the said road or roads, or during the previous six years, whichever is the shorter period; (5) All other circumstances affecting the value of such road or roads which may enable the said board to determine the fair value of the same at the time of sale.

Matters to be considered in determining value.

13.—(1) The expenses of all arbitrations under this Act, subject to the discretion of the arbitrators, except as hereinafter provided, shall be added to the said purchase money and included in the amount to be provided by the municipalities purchasing such road or roads; but should the value of any road as determined by arbitration not exceed the amount which such county council may, by writing, have offered to the owners thereof before the appointment of arbitrators, the cost of arbitration as to the value of such road shall be paid by the owner or owners thereof, or deducted from the purchase money; and all such costs and expenses shall be taxed by the Local Master of the High Court of Justice of the county passing the by-law provided in section 2 of this Act; but should the purchase not be carried out, the expenses of arbitration mentioned in the next sub-section shall be paid by such county.

Costs.

(2) The costs and expenses of arbitration to be taxed or paid to any adverse party under the preceding sub-section, or to be paid by the county where the purchase is not carried out, shall include only the arbitrators' fees and the disbursements for witnesses and evidence, and such other costs as the county may have incurred or been put to. The county treasurer shall pay the arbitrators their fees from time to time on taxation.

14. On the determination of the amount required for said purchase and the expenses in connection therewith, the county council may, under the provisions of *The Municipal Act*, at its

Power of county to borrow for purchase of road.



next meeting, or at a special meeting called for that purpose, pass a by-law for the borrowing of the amount required for the purchase and expenses as determined by the said awards, by the issue of debentures of the county, payable over a term not exceeding thirty years, and bearing interest at a rate not exceeding six per cent. per annum, and providing for the levying during the term of such by-law, on the municipalities or portions of municipalities interested, and in the proportions fixed by such board of arbitration, of an amount sufficient to meet the annual payments of principal and interest as the same may fall due.

Payment by  
minor munici-  
palities.

**15.** Where any of the municipalities determined by the board of arbitration under section 3 hereof, to be interested in the purchase of any such toll road or toll roads and the removal of the tolls therefrom, are either towns or cities, separated from such county, and the said arbitrators have fixed by their award and report, the fair percentages of the cost of such purchase which shall be borne by the said respective municipalities, and should the by-law mentioned in the preceding section hereof be adopted, the council of every such town or city so separated from such county, may by their respective councils accept the burden of paying their respective percentage of cost at any time within thirty days after the said by-law shall have been adopted, and the decisions of such respective councils shall forthwith, after the same have been arrived at respectively, be communicated in writing to the clerk of the county council passing the by-law referred to in section 2 hereof.

Power of  
minor munici-  
palities to  
borrow for  
purchase of  
road.

**16.** Should the decision of the council of any such city or separated town be that such municipality should pay its proportion of the cost of such purchase, determined as aforesaid, the council of such municipality shall, under the provisions of *The Municipal Act*, at its next meeting, or at a special meeting called for that purpose, pass a by-law for the borrowing of the amount required for the proportion of purchase and expenses payable by such town, city or adjoining county, as determined by the said award, by the issue of debentures of the municipality, payable over a term not exceeding thirty years, and bearing interest at a rate not exceeding six per cent. per annum, and providing for the levying during the term of such by-law on such municipality or portion of municipality interested, of an amount sufficient to meet the annual payments of principal and interest, as the same may fall due; and the proportion of purchase money when so raised shall be paid to the treasurer of the county by whom the by-law referred to in section 14 hereof shall have been adopted, after which the portion of any such road or roads within the limits of any such municipality shall be vested in such municipality, and shall thereafter be maintained by such municipality as a free road.

Minor munici-  
pality to  
levy rate for  
proportion  
purchase  
money.

**17.**—(1) Should the by-law raising the amount required for the purchase of such road or roads and expenses, as provided in section 14, be adopted by such county, but should the council of any such city, or separated town, not pass a by-law under section 15, within thirty days, the county council shall include the amount required to pay the share of such city or

town in the debentures issued by them under section 14, and the said city or town shall levy annually a sum sufficient to pay their proportion of the purchase money as determined by the award.

- 5 (2) The county clerk shall, on or before the 31st day of December in each year, send to the clerk of each such city or town a written statement of the amount required to be levied by such municipality.

- 10 18. All sums which may be paid to the treasurer of such county by any separate municipality, under section 16 hereof, shall be applied by the council of such county in part payment of the purchase money for such road or roads, or in redeeming the debentures issued under section 14 hereof. Application of moneys paid to county under sec. 16.

- 15 19. On the completion of the purchase of such road or roads, the toll gates thereon shall be removed on the 31st day of December following such purchase, such road and all roads from which tolls have been removed under the provisions of this Act, shall thereafter be maintained by the local municipalities in which they are situated. Removal of toll gates on completion of purchase.

- 20 (2) Where any road acquired under the provisions of this Act is carried over a bridge of one hundred feet or more in length, the maintenance of such bridge shall devolve on the county. County Councils may assume roads and bridges.

- 25 20. On the completion of the purchase of a road or roads by the county under the provisions of this Act, the tolls on all roads owned by township municipalities in the county and on roads owned by the county shall be removed at the same time as they are removed on the road or roads so acquired. Removal of tolls on all roads on completion of purchase.

- 30 21. Nothing herein contained shall prevent tolls from being charged on bridges on roads taken under the provisions of this Act. Tolls on bridges.

- 35 22. This Act shall apply to all toll roads whether owned by companies or individuals, and whether under lease or otherwise. Where a road is under lease, the purchase money shall be apportioned by the arbitrators. Application of Act.

23. All provisions of *The General Road Companies Act* and amendments thereto inconsistent with this Act are hereby repealed. Inconsistent enactments repealed.

No. 77.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the General Road  
Companies' Act.

First Reading, 7th February, 1890.

MR. LEES.

TORONTO:

PRINTED BY WATKINS & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Municipal Waterworks Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Municipal Waterworks Act* is hereby amended by Rev. Stat. c.  
5 inserting after section 35 thereof, the following as section 35a. 192 amended.

35a. For the purpose of assisting in the payment of any debentures issued for the purposes of waterworks constructed under the provisions of this Act, and the interest thereon, it shall and may be lawful for the corporation to assess, levy and  
10 collect, a special tax or rate in each year, not exceeding four mills in the dollar upon the several properties, according to the assessed value thereof, fronting or abutting upon the street in, through and along which the waterworks mains are laid, as well as all other properties which may enjoy the advantage of  
15 use of water from the said main for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for general purposes, to meet the yearly interest on any debentures issued for the purposes of the said waterworks and to form a sinking fund for the payment of all said  
20 debentures; Provided that the council of the corporation shall, upon the production by the owner or occupant using said water of the receipt for the payment of the rent chargeable for the use thereof, during the then current year, or such proportion thereof as shall equal such special tax, remit or allow to such  
25 owner or occupant the amount so paid as a payment *pro tanto* of the amount payable in respect of the special tax authorized to be levied by this section.

Power to levy special rate.

Power to remit special tax.

No. 78

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Municipal Water-works Act.

First Reading, 7th February, 1890.

MR. PHELPS.



TORONTO:  
PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.




## An Act to amend The Municipal Waterworks Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Municipal Waterworks Act* is hereby amended by inserting after section 35 thereof, the following as section 35a. Rev. Stat. c. 192 amended.

35a. For the purpose of assisting in the payment of any debentures issued for the purposes of waterworks constructed under the provisions of this Act, and the interest thereon, it shall and may be lawful for the corporation  to provide by by-law for the assessment and collection of a  special tax or rate in each year, not exceeding four mills in the dollar upon the several properties, according to the assessed value thereof, fronting or abutting upon the street in, through and along which the waterworks mains are laid, as well as all other properties which may enjoy the advantage of use of water from the said main *distant not more than 300 feet therefrom* for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for general purposes, to meet the yearly interest on any debentures issued for the purposes of the said waterworks and to form a sinking fund for the payment of all said debentures; Provided that ~~the~~ *collector of taxes* upon the production by the owner or occupant using said water of the receipt for the payment of the rent chargeable for the use thereof, during the year, or such proportion thereof as shall equal such special tax, shall remit or allow to such owner or occupant the amount so paid as a payment *pro tanto on account of* the special tax authorized to be levied by this section. Power to levy special rate.

 2. The said Act is amended by inserting immediately after section 45 of the said Act, the following:— Rev. Stat. c. 192 amended.

45a. In case any person or persons, being property owners within a municipality in which waterworks have been constructed under the provisions of this Act, shall petition the council of such municipality, asking for the construction of watermains, and other works necessary to connect their properties with the waterworks system of said municipality, the council may by by-law provide for the extension of the mains and pipes, and for all other work necessary to make such connection, and for permitting the petitioners to receive the benefit of such waterworks upon such terms as the council may deem just; and the by-law may further provide that the cost of the work so undertaken, shall be charged as an annual special rate upon the lands designated in the petition, and such rate shall be payable, whether the petitioners, or the owner or owners of the lands for the time being, continue the use of the water supplied or not.  Construction of mains etc. for benefit of individuals.

4th Session, 6th Legislature, 53 Vic, 1890

BILL.

An Act to amend The Municipal Water-  
works Act.

First Reading, 7th February, 1890.  
Second " 21st " 1890.

*(Reprinted as amended by Municipal  
Committee.)*

Mr. FIELDS.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend the General Road Companies' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The General Road Companies Amendment Act, 1890.*" Short title.

2. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned unless a contrary intention appears; Interpretation

(1) "Owner" or "owners" besides including any person or persons in whom the legal and equitable estates are vested, shall also include any joint stock company as well as any municipality. "Owner" or "owners"

(2) "Road" or "roads" shall include any parcel of land or franchise respecting, or any easement in, any land and also any toll houses or other buildings erected thereon or used therewith. "Road" or "roads."

3. The municipal council of any county in which a toll road is in operation and in which the whole or the greater part of such toll road is situate, shall, upon the petition of one hundred ratepayers of such county or upon the petition of any municipal council representing the interests of the locality through or along the boundary of which such toll road passes, or in which said road is situate, pass a by-law declaring that it is expedient to take proceedings under this Act for the purchase of such toll road. By-law for purchase of toll roads.

4. The said by-law shall name three persons who are not municipal councillors or road owners, who shall constitute a board of commissioners for the purposes hereinafter mentioned and shall likewise from time to time fill any vacancy that may occur in such board. By-law to name three commissioners

5. The board of commissioners shall examine the toll roads held or owned by any person or company within the county for which they are appointed, and for that purpose shall have power to travel over, measure, dig into and otherwise examine, all toll roads within the said county. Commissioners to examine toll roads.

6. The said board of commissioners shall also have power to examine all books and records connected with the management of any such road or roads and may require any owner or owners to produce the same for the purpose of being examined and shall also have power to examine any person or persons under oath relative to the value, cost, income or expenditure or net profit of any such road or roads. Examination of books and records.

Matters to be considered in determining value.

7. The said board of commissioners shall thereupon report to the county council, (1) the original cost of the road ; (2) the receipts, expenditure, and net profits of the road during the preceding twenty years ; (3) the estimated net profits of the road for the next 20 years ; and (4) all other circumstances affecting the value of such road which may enable the said board of commissioners to determine the fair value of same at the time of sale. 5

When county council to take possession of road.

8. When the said board of commissioners place the present value of the road at a sum less than the accumulated net profits of the road for the past 20 years and at a sum less than the estimated profits of the road for the next 20 years, then the road shall pass from the hands of the present owners into the possession of the county council who shall be subject to all the provisions of *The General Road Companies Act*, or of *The Toll Roads Municipal Expropriation Act* and shall make the road free as soon as the net profits shall reach an amount equal to that named by the commissioners as the value of the road. 15

Rev. Stat. c. 159.  
52 V. c. 28.

Appeal to provincial arbitrators

9. The owners of such road may appeal within one month from the decision of the board of commissioners to the board of Provincial Arbitrators, who shall thereupon determine the price to be paid to the owners for such road in the manner provided for by the *Act respecting the Public Works of Ontario*, but always having regard to the provisions of this Act. 20 25

Rev. Stat. c. 33.

When award to become final.

10. The award of the said arbitrators shall become final and binding at the expiration of thirty days from the filing thereof with the clerk of said county, and notice to the warden of the county by registered letter or personal delivery, unless appealed from, but the Court or a Judge may, under special circumstances, allow an appeal after thirty days. 30

Appeal from award.

11. The appeal from the award, referred to in the next preceding section, shall be to the High Court of Justice, and may be heard before and decided by a Judge sitting in Court, and the practice to be observed upon any such appeal shall be the practice now observed in appeals from the Master, and the Judge may, upon the appeal, either amend the said award in any way and to any extent that he may deem proper, or refer the same back to the board of arbitrators for amendment, in whole or in part, with such directions as to law or fact as he may deem proper, or he may confirm the same. 35 40

Power to borrow money for purchase of road.

12. After the commissioners shall have reported their proceedings, as provided under section 7 of this Act, the county council may, in the manner provided for in *The Municipal Act*, pass a by-law for borrowing the amount required to purchase the said roads, in accordance with the said report, by the issue of debentures of the municipality, payable in not more than twenty years, and bearing interest at a rate not exceeding six per cent. per annum, and provide for the payment in each year during the term of such by-law of an amount sufficient to meet the annual payment of principal and interest as the same may fall due. 45 50

Costs where road not taken.

13. If the road is not taken and paid for as provided by this Act as aforesaid the owner or owners shall be entitled to



receive the costs to which he or they have been put in any proceedings taken for determining by arbitration the value of his or their road ; the amount of such costs shall be stated in the award of the arbitrators, whether the arbitrators direct  
 5 that the party or parties shall be entitled to such costs in the event of the road being purchased, or direct otherwise.

14. Subject to the provisions of the preceding section the arbitrators shall have full authority to determine by and to whom any costs incurred in connection with any arbitration  
 10 shall be paid, but any costs which should be paid by an owner or owners to the commissioners shall be directed by the award to be paid to the treasurer of such county or city ; the award as to costs shall not take effect until the road is purchased, and if any such costs are directed to be paid to the said treasurer  
 15 by any owner or owners the same shall be deducted from the price of the road.

Costs to be in discretion of arbitrators.

15. For greater certainty it is hereby declared that the following sections of *The Act respecting the Public Works of Ontario* shall as nearly as may be, and unless where inconsis-  
 20 tent with this Act, apply to proceedings to acquire the said roads under this Act—that is to say, sections 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 40, 42, 43, 44 ; and the powers or rights which by the said sections or any of them are vested in the Commissioner of Public Works or the Crown are hereby vested  
 25 in the said board of commissioners until the said roads are taken and purchased by such county subject to the provisions of this Act ; and in applying the provisions of the said Act while the commissioners are acting “ the board of commissioners ” shall be substituted for the “ crown ” or the “ Commis-  
 30 sioner ” where either of the said words is used in the said Act.

Certain sections of Rev. Stat. c. 33 incorporated.

16 If the report of the commissioners or the award of the arbitrators will not permit of the purchase of any road by the county under the provisions of this Act, the said report or award shall be dealt with by the county council with a view  
 35 to the purchase of the road under the provisions of *The Toll Roads Municipal Expropriation Act*.

Purchase of road under 52 V. c. 23.



No. 79.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend the General Road Companies Act.

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First Reading, 7th February, 1890.

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MR. WOOD  
(*Brunt.*)

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TORONTO:  
PRINTED BY WARREN & SONS, 68 AND 70 FRONT ST. W

An Act to provide for the Secrecy of the Ballot at  
Elections of Members of the Legislative Assembly.

WHEREAS the provisions of *The Ontario Election Act* do not secure a secret ballot at elections of members of the Legislative Assembly, and it is essential to the efficiency and security of the system of voting by ballot that the ballot should be a secret one; and whereas the provisions of *The Municipal Act* which secure a secret ballot at elections of mayors, aldermen, reeves and other members of municipal councils have been found to work satisfactorily, and it is expedient to amend *The Ontario Election Act* so as to make the ballot at elections of members of the Legislative Assembly similar to the ballot provided for municipal elections;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So much of sub-section 4 of section 63 of *The Ontario Election Act* as provides that every ballot paper shall have a number printed on the back thereof, and that the same number shall be printed on the face of the counterfoil attached thereto is hereby repealed, and hereafter neither the ballot nor the counterfoil shall be numbered.
2. So much of sub-section 9 of section 90 of the said Act as provides that the deputy-returning officer shall write or otherwise mark on the counterfoil the number prefixed to the name upon the voters' list of a person presenting himself for the purpose of voting is hereby repealed, and hereafter such number shall not be written or marked thereon.

Rev. Stat.  
c. 9, s. 63 (4)  
amended.

Ballots not to  
be numbered.

Rev. Stat.  
c. 9, s. 90, sub-  
sec. 4, amend-  
ed.

No numbers  
to be marked  
on counter-  
foils.

No. 80.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to provide for the Secrecy of the  
Ballot at Elections of Members of the  
Legislative Assembly.

First Reading, 11th February, 1890.

MR. WOOD,  
(*Hastings*.)

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act for expediting the decision of Constitutional  
and other provincial Questions.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. The Lieutenant-Governor in Council may refer to the  
5 High Court or a Divisional Court thereof, or to the Court of  
Appeal, for hearing or consideration any matter which he  
thinks fit to refer, and the Court shall thereupon hear or con-  
sider the same. (Imp. Act 3 and 4, Will IV., c. 41, s. 4. R.  
S. C., c. 135, s. 37. Dom., 47 Vic., c. 32, s. 27, s.s. 2. R. S. O.,  
10 c. 44, s. 52, (2) and s. 55. Stimson's American Statute Law,  
115. Government of Ireland Bill (1886), s. 25.)

Reference to  
Court author-  
ized.

2. The Court is to certify to the Lieutenant-Governor in  
Council its opinion on the question referred, with the reasons  
therefor which are to be given in like manner as in the case  
15 of a judgment in an ordinary action; and any Judge who  
differs from the opinion of the majority may in like manner  
certify his opinion with his reasons therefor to the Lieuten-  
ant-Governor in Council. (R.S.C., c. 135, s. 37.)

Court to cer-  
tify opinion.

3. In case the matter relates to the constitutional validity  
20 of any Act which has heretofore been or shall hereafter be  
passed by the Legislature of this Province, or of some pro-  
vision in any such Act, the Attorney-General of Canada shall  
be notified of the hearing in order to be heard if he sees fit.

Notice to  
Attorney-  
General of  
Canada.

4. The Court shall have power to direct that any person  
25 interested, or where there is a class of persons interested, any  
one or more persons as representatives of such class, shall be  
notified of the hearing, and such persons shall be entitled to  
be heard.

Notice to per-  
sons inter-  
ested.

5. Where any interest affected is not represented by coun-  
30 sel, the Court may in its discretion request some counsel to  
argue the case in such interest, and the reasonable expenses  
thereof shall be paid out of the Suitors' Fee Fund or other-  
wise.

Appointment  
of counsel to  
argue case.

6. The opinion of the Court shall be deemed a judgment of  
35 the Court, and an appeal shall lie therefrom as in the case of  
a judgment in an action.

Appeal.

Enactments  
applicable to  
appeals

7. In case of the matter being appealed from the High Court or a Divisional Court to the Court of Appeal, sections 2, 3, 4, 5, 6 and 7 shall apply in like manner as if the original reference had been to the Court of Appeal. An appeal to Her Majesty in Her Privy Council from a judgment of any Court on a reference under this Act shall not be subject to the restrictions contained in the Revised Statute of this Province respecting Appeals to Her Majesty in Council. 5





No. 81.

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4th Session, 6th Legislature, 52 Vic., 1890.

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BILL.

An Act for expediting the decision of Constitutional and other provincial Questions.

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First Reading, 10th February, 1890.

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THE ATTORNEY-GENERAL.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to amend the Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.

Receipts for payment of money made on any registered mortgage, bond, agreement, lease or any other registered instrument, may be filed in the registry office in which the original instrument was registered.

Receipts may be registered.
2.

Such receipts shall state the date of the original instrument, the names of the parties thereto, the day of registration, the number of book, the registration number and the municipality in which the original instrument was recorded.

Particulars in receipt.
3.

The registrar shall receive and file in numerical order all receipts tendered for filing under this Act, and shall endorse thereon, the date of filing, the registration number and municipality of the original registration to which it refers and the office number of the receipt so filed.

Endorsement to be made on receipt by registrar.
4.

The registrar shall make a note of every such receipt so filed on the original registered instrument giving only the office number and date of filing such receipt and the money expressed therein.

Memorandum of receipt to be endorsed on original.
5.

The registrar shall enter in a book, according to Schedule A of this Act, in regular consecutive order, all such receipts filed in his office.

Record book.
6.

The registrar shall be paid \_\_\_\_\_ cents for every such receipt so filed.

Fees of registrar.

SCHEDULE A.  
(Section 5.)

OFFICE No.	DATE OF FILING.			NAME OF PERSON OR CORPORATION SIGNING THE RECEIPT.	No. OF ORIGINAL REGISTRATION.	No. OF BOOK IN WHICH ORIGINAL WAS RECORDED.	MUNICIPALITY.
	Month.	Day.	Year.				
1	Janu'ry	4	1890	John Brown . . . .	1784	131	Rawdon.
2	"	20	1890	Canada L. C. Co. .	2410	164	Murray.
3	Febry.	1	1890	Freehold L. & S. Co	4164	124	Village of Madoc
4	"	6	1890	James Jones . . . .	6989	203	Huntingdon.
5	"	7	1890	Mary McKenzie . .	4758	343	Sidney.

No. 82.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Registry Act.

First Reading, 10th February, 1890.

MR. WOOD,  
(*Hastings.*)

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

No 82.]

## BILL.

1890.]

### An Act to amend The Registry Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. A receipt for payment of money made on any registered mortgage, bond, agreement, lease or any other registered instrument, may be deposited in the registry office in which the original instrument is registered under the provisions of *The Custody of Title Deeds Act*, but it shall not be necessary to deliver any requisition with the receipt, or to pay any fee for depositing the same or the entries in respect thereof, except the sum of twenty cents.

Receipts may be registered.

Rev. Stat. c. 115.

2 The registrar shall receive and file in numerical order all receipts tendered for filing under this Act, and shall endorse thereon the number, the date of filing, and the amount contained in the receipt, and shall write in the margin of the register wherein the instrument to which the receipt relates has been registered the words " See receipt No. "

Registrar to receive and enter receipts.



No. 82.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Registry Act.

First Reading, 10th February, 1890.  
Second " 21st " 1890.

*(Reprinted as Amended by Select Committee.)*

MR. WOOD,  
*(Hastings.)*

## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The council of every town divided into wards may pass a by-law for providing that the cost of all repairs upon any street, lane, alley, public way or place, and of altering, improving, macadamizing, grading or levelling the same or any part thereof or of planking the same, or any bridge forming part of a highway therein, or curbing, sodding or planting any street, square, lane or other public place therein, except upon streets forming the boundary line between two or more wards, and such other highways or portions thereof or other places as may by the said by-law or any other by-law or by-laws of the municipality be excepted therefrom, shall be charged against all of the ratable property and income in the respective wards within which the said repairs are made or the said improvements and other works are done, and against such property and income alone.

Local improvements in wards of towns.

2. The council of every town passing such a by-law, shall assess and levy by means of a special rate at the same time and in the same manner as the other taxes of said municipality are levied, the costs of such repairs and improvements upon the said property and income, but the same shall not in any ward in any one year be of such an amount as with all the other taxes, exclusive of school rates, charged against the property and income in said ward, to make more than an aggregate of two cents in the dollar on the actual value.

Special rate for local improvements in wards.

3. Nothing in any such by-law contained shall in any way affect or impair the rights and remedies against the said municipality of any person doing any such repairs or other work, or furnishing any material used therein, or having any claim against the municipality in respect thereof.

Claims against municipality not affected.

4. No such by-law shall come into force or take effect unless and until the same has been submitted to a vote of the ratepayers of the said municipality entitled to vote at the election of mayor, nor unless and until the same has received the votes of a majority of the said ratepayers voting thereon, whereupon it shall be finally passed by the council.

By-law to be submitted to ratepayers.

5. The provisions of sections 293 and 308, 309, 310, 311 and 312 of *The Municipal Act* shall not apply to the voting upon such by-law, but all of the other provisions of *The Municipal Act* respecting voting upon by-laws which are applicable there-

Voting on by-law.

to, shall apply to said voting, and any ratepayer offering to vote thereon may be required by the deputy returning officer or any ratepayer entitled to vote thereon, to make the oath or affirmation or any part thereof, or to the effect thereof which such ratepayer might be required to make in voting at a municipal election. 5

Voting may  
take place at  
municipal  
elections.

6. The said voting may be held at the same time as the municipal elections, in which event the polling places and deputy returning officers shall be those appointed for said municipal elections, or at any other time. 10

Publication of  
notice of by-  
law.

7. The council of any municipality proposing to pass a by-law hereunder, shall publish in at least one newspaper published in said municipality, a notice stating that said by-law will be submitted to a vote of the ratepayers, and giving the date of the polling and a list of the polling places, and such notice shall be so published at least once in each week for three weeks preceding the polling day. 15

Repeal of  
by-law.

8. Such by-law when finally passed shall not be repealed until after the expiration of one year from its final passing, and then only by a vote of the ratepayers taken in the same manner as is herein provided for voting upon said by-law, or without such vote, by the vote of at least two-thirds of the members of the entire council of said municipality. 20



No. 83.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Municipal Act.

First Reading, 11th February, 1890.

M. STEWART.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to amend the Act respecting Conveyances to  
Trustees for Burial Grounds.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Chapter 177 of the Revised Statutes of Ontario, 1887, is  
hereby amended by adding the following sections thereto:

Rev. Stat.  
c. 177, amend-  
ed.

3. In any case where land has been conveyed to trustees  
for a burial ground as provided in section 1 of this Act, and  
where in the deed of conveyance no provision has been made  
or directions given for providing funds for the proper fencing  
and keeping in repair of such burial ground, and when the  
funds accruing from the sale of burial plots are insufficient to  
provide the fences necessary for said fencing and keeping in  
repair, then in such cases the following proceedings shall be  
taken:

Procedure  
where trust  
deed does not  
provide for  
fencing and  
repairs.

1. The trustees shall call a meeting of the plot-holders in  
such burial ground, in the same manner as a meeting may be  
called for the election of a trustee to fill a vacancy, if no pro-  
vision has been made in said deed of conveyance for the call-  
ing of such meeting, then in either of such cases, the trustees  
shall by a notice inserted twice in a weekly newspaper published  
in the municipality, or if there is no such newspaper published  
in the municipality, then in a newspaper in the nearest muni-  
cipality, and there shall also be a written or printed notice  
put up at the said burial ground, 15 days before the day of  
such meeting.

2. A majority of the plot-holders present at such meeting  
shall by resolution decide upon the kind of fence or fences to  
be put up, and also the repairs which may require to be made  
upon such fence or fences, and shall also decide as to the extent  
of any work that may be done upon the burial ground in keep-  
ing the same free from weeds and underbrush, and improving  
said grounds, and shall also decide how the funds for the  
carrying on of said work are to be provided, whether by sub-  
scription or an equal amount to be levied upon each plot-  
holder, if it is decided to levy upon each plot-holder. The  
treasurer of the trustees (said treasurer to be one of the trus-  
tees) may at any time after giving thirty days notice to each of  
the plot-holders of the amount that said plot-holder is required  
to pay, sue for the same in the division court of the division in  
which the burial ground is situated.

3. The trustees shall call a meeting of the said plot-holders on the first Monday of June of the present year, and on the said first Monday of June in every third year thereafter, for the purpose of laying before the plot-holders a statement of the expenditure and of the funds in their hands up to the 31st day of May preceding the day of meeting. 5

Application of  
Act.

4. The provisions of the preceding section shall only apply in the cases set forth in said section 3.



No. 84.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the Act respecting Conveyances to Trustees for Burial Grounds.

First Reading, 11th February, 1890.

MR. WATERS.

TORONTO :

PRINTED BY WARWICK & SONS, 58 AND 70 FRONT ST. W.

An Act to amend the Act respecting Conveyances to Trustees for Burial Grounds.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Chapter 177 of the Revised Statutes of Ontario, 1887, is hereby amended by adding the following section thereto: Rev. Stat.  
c. 177, amend-  
ed.



3. In any case where land has been conveyed to trustees for a burial ground as provided in section 1 of this Act, and where in the deed of *trust* no provision has been made or directions given for providing funds for the proper fencing and keeping in repair of such burial ground, and when the funds accruing from the sale of burial plots are insufficient to provide the *funds* necessary for said fencing and keeping in repair, then in such cases the following proceedings shall be taken: Procedure  
where trust  
deed does not  
provide for  
fencing and  
repairs.



1. The trustees shall call a meeting of the plot-holders of such burial ground, in the same manner as a meeting may be called for the election of a trustee to fill a vacancy, if no provision has been made in said trust deed for the calling of such meeting; in either of such cases, the trustees shall, fifteen days before said meeting, send by letter to the address of each plot-holder within the municipality, or within any adjoining municipality, a written or printed notice stating the time and place of such meeting, and shall also put up at the burial ground a written or printed notice fifteen days before the day of such meeting.

2. A majority of the plot-holders present at such meeting shall by resolution decide upon the kind of fence or fences to be put up and as to the repairs which should be made to any fence or fences from time to time, and shall also decide as to the extent of any work that should be done upon the burial ground in keeping the same free from weeds and underbrush, and shall take steps to raise by subscription the necessary funds for the aforesaid purposes.

3. If the amount raised by subscription is not sufficient to defray the cost of fencing and keeping the same in repair, or the cost of any work that should be done upon the burial ground as set forth in the previous sub-section.



 4. The council of the municipality within which such burial ground is situate, may upon the application of the trustees of such burial ground, make a grant of money to said trustees out of the general funds of the municipality, to enable the trustees to carry on and complete the work mentioned in sub-section two of this section. 

 5. In the case of any burial ground, where there are no trustees for the same, and in which no or very few interments are being made, and when such burial ground is in need of fencing, the council of the municipality within which such burial ground is situate, shall have power to make an appropriation out of the general funds of the municipality for the fencing thereof, and may appoint a person to see to the proper expenditure of any sum or sums appropriated for the aforesaid purpose. 



No. 84.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Act respecting Conveyances to Trustee, for Burial Grounds.

First Reading, 11th February, 1890.  
Second " 7th March, 1890.

(Reprinted as amended by *Municipal Committee*.)

MR. WATERS.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to amend the Act respecting Conveyances to  
Trustees for Burial Grounds.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Chapter 177 of the Revised Statutes of Ontario, 1887, is hereby amended by adding the following section thereto: Rev. Stat.  
c. 177, amend-  
ed.

3. In any case where land has been conveyed to trustees for a burial ground as provided in section 1 of this Act, and where in the deed of *trust* no provision has been made or directions given for providing funds for the proper fencing and keeping in repair of such burial ground, and when the funds accruing from the sale of burial plots or from *subscriptions* are insufficient to provide the funds necessary for said fencing and keeping in repair. Procedure  
where trust  
deed does not  
provide for  
fencing and  
repairs.

1. The council of the municipality within which such burial ground is situate, may upon the application of the trustees of such burial ground, make a grant of money to said trustees out of the general funds of the municipality, to enable the trustees to carry on and complete the work mentioned in sub-section two of this section.

2. In the case of any burial ground, where there are no trustees for the same, and in which no or very few interments are being made, and when such burial ground is in need of fencing, the council of the municipality within which such burial ground is situate, shall have power to make an appropriation out of the general funds of the municipality for the fencing thereof, and may appoint a person to see to the proper expenditure of any sum or sums appropriated for the aforesaid purpose.

No. 84.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend the Act respecting Con-  
veyances to Trustees for Burial Grounds.

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First Reading,	11th February, 1890.
Second     "	7th March, 1890.

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*(Reprinted as amended by Committee  
of the Whole House.)*

MR. WATERS.

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TORONTO:  
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act relating to the Jurisdiction of Courts of General Sessions of the Peace.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. No court of general sessions of the peace, or county judges criminal court, no judge of any county court, no junior or deputy judge thereof, authorized to act as chairman of the general sessions of the peace for the county, no judge of any provisional district, no judge of any district court authorized respectively to act as chairman of the general sessions of the peace, nor any court but the high court of justice or courts of assize, nisi prius, oyer and terminer and general gaol delivery, shall have power to try any treason, any felony punishable with death, or any homicide, or any libel. R.S.O., c. 49; R. S. O., c. 45; Dom. 52 Vic. c. 47, s. 2. Jurisdiction limited.
2. The courts of general sessions of the peace, the county judges criminal courts and police or stipendiary magistrates, shall have jurisdiction to try any person for the offence of perjury, or of subornation of perjury, and to try any person for any offence under any of the provisions of sections twenty-eight to thirty two, both inclusive, of the Revised Statutes of Canada, chapter 165, *An Act respecting Forgery*. Jurisdiction in cases of perjury and forgery.
3. Subject to the terms of this Act, the expression "The Speedy Trials Act," in the Revised Statutes of Ontario, chapter 49, shall hereafter mean *The Speedy Trials Act* of the Parliament of Canada, passed since, namely, in the 52nd year of Her Majesty's reign and chaptered 47. "Speedy Trials Act," meaning of, in Rev. Stat. c. 49.
4. This Act shall go into force on the 1st day of July next. Commencement of Act.

No. 85.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act relating to the Jurisdiction of Courts  
of General Sessions of the Peace.

First Reading, 11th February, 1890.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 85.]

## BILL.

[1890.

### An Act relating to the Jurisdiction of Courts of General Sessions of the Peace.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. No court of general sessions of the peace, or county judges criminal court, no judge of any county court, no junior or deputy judge thereof, authorized to act as chairman of the general sessions of the peace for the county, no judge of any provisional district, no judge of any district court authorized respectively to act as chairman of the general sessions of the peace, nor any court but the high court of justice or courts of assize, nisi prius, oyer and terminer and general gaol delivery, shall have power to try any treason, any felony punishable with death, or any homicide, or any libel. Jurisdiction limited.

2. The courts of general sessions of the peace, the county judges criminal courts and police or stipendiary magistrates, shall have jurisdiction to try any person for any offence under any of the provisions of sections 28 to 31, both inclusive, of the Revised Statutes of Canada, chapter 165, *An Act respecting Forgery*. Jurisdiction in certain cases under R. S. C. c. 165.

3. Subject to the terms of this Act, the expression "The Speedy Trials Act," in the Revised Statutes of Ontario, chapter 49, shall hereafter mean *The Speedy Trials Act* of the Parliament of Canada, passed since, namely, in the 52nd year of Her Majesty's reign and chaptered 47. Speedy Trials Act," meaning of, in Rev. Stat. c. 49.

4. To prevent misapprehension, it is hereby declared and enacted that the power to appoint and dismiss constables under the Revised *Act respecting Constables* is vested in the Justices of the Peace at the General Sessions of the Peace or any adjournment thereof and not in the Justices of the Peace at any special sessions mentioned in the said Act (R. S. O., c. 82, ss. 1-9, 22; R. S. O., c. 48). Appointment and dismissal of constables.

5. This Act shall go into force on the 1st day of July next. Commencement of Act.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act relating to the Jurisdiction of  
Courts of General Sessions of the Peace.

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First Reading, 11th February, 1890.  
Second " 20th " 1890.

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*(Reprinted as Amended by Committee of  
the Whole House.)*

THE ATTORNEY GENERAL.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

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No. 86.]

## BILL.

[1890.

An Act for the relief of persons professing the Jewish Religion.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All the rights, powers and privileges, conferred upon any religious society or congregation of christians by [the Revised Statute, Chapter 237, entitled] *An Act respecting the Property of Religious Institutions*, are hereby extended to, and shall hereafter apply to any religious society or congregation of Jews, professing the Jewish religion. 41 V., c. 25, s 1; R. S. 10 O., c. 237, s. 26.

Provisions of  
Rev. Stat. c.  
237 extended  
to Jews.



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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act for the relief of persons professing  
the Jewish Religion.

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First Reading, 11th February, 1890.

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THE ATTORNEY-GENERAL.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to Amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 107 of *The Municipal Act* is amended by striking out the words "last Monday in the month of December" in the fourth line of the said section, and inserting in lieu thereof the words "first Monday in January." Rev. Stat. c. 184, s. 107 amended.
2. Sections 109 and 110 of the said Act are amended by striking out the words "last Monday in December" where they occur in the said sections and inserting in lieu thereof the words "first Monday in January." Rev. Stat. c. 184, ss. 109 and 110 amended.
3. Section 112 of the said Act is repealed. Rev. Stat. c. 184, s. 112 repealed.
4. Section 116 of the said Act is amended by striking out the word "first" in the tenth line of said section and inserting in lieu thereof the word "last." Rev. Stat. c. 184, s. 116. amended.
5. Section 258 of the said Act is hereby repealed and the following substituted therefor: Rev. Stat. c. 184, s. 258 repealed.

258 (1) Subject to the provisions of the next two sections as to cities every council shall at the first meeting thereof in the year 1891, after being duly organized, appoint two auditors, but no one who at such time or during the preceding year is or was a member or is or was clerk or treasurer of the council, or who has or during the preceding year has had directly or indirectly alone or in conjunction with any other person a share or interest in any contract or employment with or on behalf of the corporation except as auditor, shall be appointed therein. Appointment of auditors.

(2) The said auditors shall continue in office during the pleasure of the council, and in the event of a vacancy in the office of auditor happening by death, dismissal, resignation or otherwise, the same shall be filled by the council.

(3) In the event of the auditor of a county refusing or being unable to act, then the warden of the county if the council is not holding its sittings at the time shall appoint another person to act in his stead until the first meeting of the council thereafter, and at such meeting the council shall appoint an auditor in the room of the auditor so refusing or being unable to act.

(4) The auditors of counties, townships, towns and incorporated villages shall discharge the duties imposed upon auditors by sub-sections 1 and 2 of section 263 of this Act;

- Proviso.** Provided that in sub-section 1 of said section number 263 the words "preceding their appointment" in the fourth line thereof shall only apply to the said recited municipalities in the year 1891, and in lieu thereof in every year thereafter the words
- Proviso.** "of the preceding year" shall apply; and provided that in 5  
said sub-section 2 of section number 263 the words "within  
one month after their appointment" in the 10th line thereof  
shall only apply in the year 1891, and in lieu thereof in every  
year thereafter the words "before the 31st day of January in  
the then current year" shall apply. 10
- Rev. Stat. c.** **6.** Sub-section 1 of section 263 of the said Act is amended  
184, s. 263,  
sub-s. 1  
amended. by striking out the figures "31st" in the fourth line of said  
sub-section and inserting in lieu thereof the figures "15th."
- Rev. Stat. c.** **7.** Sub-section 3 of section 263 of the said Act is amended  
184, s. 263,  
sub-s. 3  
amended. by striking out the words "the portion of" in the sixth line 15  
thereof; and by striking out the words "signed by the mayor  
or reeve and by the treasurer" in the eighth and ninth lines of  
the said sub-section, and substituting therefor the words "duly  
audited"; and by striking out the word "twenty-fourth" in  
the third line of clause (a) of said sub-section and inserting in 20  
lieu thereof the word "thirtieth."
- Rev. Stat. c.** **8.** Section 265 of the said Act is amended by striking out  
184, s. 265  
amended. all the words in the said section from the commencement there-  
of down to and including the word "and" in the third line  
thereof. 25



No. 87.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to Amend The Municipal Act.

First Reading, 12th February, 1890.

Mr. WOOD (*Brunt.*)

TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.



An Act to enable Women to vote at Elections of  
Members of the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. This Act may be cited as *The Woman Suffrage Act*.

Short title.

2. In addition to the persons now entitled by law to vote at elections, the following persons being the full age of twenty-one years and subjects of Her Majesty by birth or naturalization, and not being disqualified or otherwise by law prevented from voting, shall, if duly entered on the list of voters proper to be used at the election then pending, according to the provisions of *The Voters' Lists Act*, or this Act, be entitled to vote at elections of members of the Legislative Assembly of this Province, that is to say:—

Women to be  
entitled to  
vote.

Every woman, provided that such woman has resided within the Province for the nine months next preceeding the time fixed by statute (or by a by-law authorized by statute) for beginning to make the assessment roll in which she is entitled to be entered as a person qualified to vote, or had so resided within the Province for the twelve months next preceeding the time up to which a complaint may be made to the county judge under *The Voters' Lists Act*, or this Act, to insert the name of such person in the list.

Provided that such person was in good faith at the time fixed as aforesaid, a resident of, and domiciled in the municipality in the list of which she is entered, and is, at the time of tendering her vote, a resident of and domiciled within the electoral district and has resided in the said electoral district continuously from the time fixed as aforesaid for beginning to make said roll or for making such complaint as the case may be.

Provide.

3. A woman may be resident in the municipality within the meaning of this Act, notwithstanding occasional or temporary absence in the prosecution of her occupation or otherwise, and such occasional or temporary absence shall not disentitle such person to be entered on the assessment roll or voter's list as a qualified voter, or to vote.

Temporary  
absence not to  
disqualify.

4. The provisions of sections 5, 6, 8, 9 and 10 of *The Manhood Suffrage Act* are incorporated with this Act, and shall apply to voters under this Act, except that for the purposes of this Act, after the word "every" in the second line of section 9 the word "male" shall be struck out.

51 V. c. 4, ss.  
5, 6, 8, 9 and  
10 to apply.

51 V. c. 4, s.  
11, to apply.

5. Section 11 of *The Manhood Suffrage Act* shall be read as part of this Act, except that the letter "M" in the fifth line of said section shall, for the purpose of this Act, be changed to the letter "W" and the word "manhood" in the sixth line, shall be changed to the word "woman."

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51 V. c. 4, ss.  
12, 13, 14 and  
15 incorpor-  
ated.

6. Section 12, 13, 14 and 15 of *The Manhood Suffrage Act*, shall be read as part of this Act, except that for the purposes of this Act, after the word "him" in the seventh line of sub-section 2 of section 13, there shall be inserted the words "or her," and after the word "his" in the fifth line of section 15, there shall be inserted the words "or her" and after the word "he" in the tenth and eleventh lines of said section 15 there shall be inserted the words "or she, as the case may be."

10

Oaths to be  
taken by  
female voters.

7. The oaths or affirmation required to be taken by any woman claiming to vote under the provisions of this Act, shall be the same as are taken by male voters under form A appended to *The Manhood Suffrage Act*, and forms B and D appended to the Act passed in the 52nd year of Her Majesty's reign, chaptered 5, except that for the purposes of this Act the words "or otherwise" shall be substituted for the words, as a "lumberman mariner or fisherman" in said forms, and under forms A and C appended, to chapter 5 of the Acts passed in the 52nd year of Her Majesty's reign, except that for the purpose of this Act, the words "or her" shall be inserted after the word "him" in the last clause of said form C.

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Election Act,  
Voters Lists  
Act and  
Assessment  
Act, to apply.

8. All the provisions of *The Ontario Election Act*, *The Voters' Lists Act* and of *The Assessment Act* and amendments of said Acts which apply to male voters, shall as far as practicable apply to persons entitled to vote under this Act where such provisions are not inconsistent with this Act.

30

Rev. Stat. c.  
s. 6 repealed.

9. Section 6 of the *Ontario Election Act* is hereby repealed.

Commence-  
ment of Act.

10. This Act shall come in force on the 1st day of January 1892.



No. 88.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to enable Women to vote for Members of the Legislative Assembly.

First Reading, 12th February, 1890.

MR. WATERS.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting the Establishment of Houses of Refuge.

**W**HEREAS it is desirable to encourage the erection and establishment by County Municipalities of Houses of Industry or Refuge for the care and custody of the aged, helpless and poor ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Lieutenant-Governor in Council, may by Order in Council, direct that out of the Consolidated Revenue Fund of the Province, there shall be paid to the treasurer of any county or union of counties in which the municipal council thereof may have acquired not less than fifty acres of land for an industrial farm, and shall have erected thereon suitable buildings for a house of industry or house of refuge for the care and maintenance of the aged, helpless and poor, belonging to the county, a sum not exceeding one-fourth of the amount actually expended by the municipality in the purchase of land and erection of buildings thereon, and not in any case exceeding four thousand dollars.

Aid to counties establishing houses of refuge.

2. In case, under sub-section 2 of section 460 of *The Municipal Act*, two or more united counties, or two or more contiguous counties, or a city and one or more counties, or a town and one or more counties, agree to have only one house of industry or refuge for such municipalities, the Order in Council may provide for the payment to the treasurer of each corporation of the counties entering into the agreement, a sum not exceeding four thousand dollars ; but the aggregate amount payable to such counties or united counties shall not exceed one-fourth of the amount actually expended by such combined municipalities in the purchase of the land and erection of buildings thereon.

Aid to united or contiguous counties, etc.

3. In case two or more local municipalities acting under the provisions of sub-section 4 of section 460 of *The Municipal Act*, jointly erect or maintain a house of industry or refuge in connection with an industrial farm, the Lieutenant-Governor in Council may grant to each of such municipalities such a proportion of a sum of four thousand dollars as the equalized assessment of such municipalities bears to the equalized assessment of the whole county of which it forms a part, according to the equalized assessment of the year preceding that in which the house of industry or refuge shall have been opened for occupation ; and provided also that the

Aid to two or more local municipalities.



sum so granted shall not be in excess of one-fourth of the amount contributed and paid by such municipality for the purchase of the farm and the erection of the buildings thereon.

Inspection of  
houses of  
refuge.

4. All houses of industry or houses of refuge shall be open to inspection by the Inspector of Asylums and Public Charities, and the Inspector shall make a report to the Lieutenant-Governor in Council of any matter in connection therewith which he may consider necessary. 5

Aid to municipalities  
where houses  
of refuge have  
been erected.

5. The Lieutenant-Governor in Council may by Order in Council direct that out of the Consolidated Revenue Fund of the Province there shall be paid to the treasurer of any municipality or union of municipalities which has heretofore acquired land and shall have erected a house of refuge thereon, before the passing of this Act, such sum (within the restrictions aforesaid) as the Lieutenant-Governor in Council may by Order in Council direct to be so paid, if the purchase of such land and erection of buildings thereon or contribution made thereto are in accordance with the provisions of this Act. 10 15

Report of  
Inspector.

6. No Order in Council under this Act shall be passed until the Inspector of Asylums and Public Charities has reported that the land and buildings are suitable for the purpose intended, and are ready for occupation. 20

Order in  
Council to be  
ratified by  
Assembly.

7. Every Order in Council made under this Act shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of said Legislative Assembly. (37 Victoria, ch. 31; Journals of Ontario, 1875-76, page 140.) 25



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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act respecting the Establishment of  
Houses of Refuge.

---

First Reading, February 12th, 1890.

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Mr. ROSS (*Huron*).

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting the Establishment of Houses of Refuge.

**W**HEREAS it is desirable to encourage the erection and establishment by County Municipalities of Houses of Industry or Refuge for the care and custody of the aged, helpless and poor ; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Lieutenant-Governor in Council, may by Order in Council, direct that out of the Consolidated Revenue Fund of the Province, there shall be paid to the treasurer of any county or union of counties in which the municipal council thereof may have acquired not less than fifty acres of land for an industrial farm, and shall have erected thereon suitable buildings for a house of industry or house of refuge for the care and maintenance of the aged, helpless and poor, belonging to the county, a sum not exceeding one-fourth of the amount actually expended by the municipality in the purchase of land and erection of buildings thereon, and not in any case exceeding four thousand dollars. Aid to counties establishing houses of refuge.

2. In case, under sub-section 2 of section 460 of *The Municipal Act*, two or more united counties, or two or more contiguous counties, or a city and one or more counties, or a town and one or more counties, agree to have only one house of industry or refuge for such municipalities, the Order in Council may provide for the payment to the treasurer of each corporation of the counties entering into the agreement, a sum not exceeding four thousand dollars ; ~~and~~ and to the treasurer of any such town, whether or not within any of the counties, or being a town separated from any of the counties entering into such agreement, such a proportion of a sum of four thousand dollars as its population bears to the population of the whole county in which it is situated, according to the assessment rolls of the year preceding that in which the house of industry or refuge shall have been open for occupation ; ~~and~~ but the aggregate amount payable to such counties or united counties shall not exceed one-fourth of the amount actually expended by such combined municipalities in the purchase of the land and erection of buildings thereon. Aid to united or contiguous counties, etc.

~~and~~ 3. In case two or more local municipalities acting under the provisions of sub-section 4 of section 460 of *The Municipal Act*, jointly erect or maintain a house of industry or refuge in connection with an industrial farm, the Lieutenant- Aid to two or more local municipalities.

Governor in Council may grant to each of such municipalities, such a proportion of a sum of four thousand dollars as the population of such municipalities bears to the population of the whole county in which it is situate, according to the assessment rolls of the year preceding that in which the house of industry or refuge shall have been opened for occupation; and provided also, that the sum so granted, shall not be in excess of one-fourth of the amount contributed and paid by such municipality for the purchase of the farm, and the erection of the buildings thereon.

Inspection of  
houses of  
refuge.

4. All houses of industry or houses of refuge shall be open to inspection by the Inspector of Asylums and Public Charities, and the Inspector shall make a report to the Lieutenant-Governor in Council of any matter in connection therewith which he may consider necessary.

Aid to municipalities  
where houses  
of refuge have  
been erected.

5. The Lieutenant-Governor in Council may by Order in Council direct that out of the Consolidated Revenue Fund of the Province there shall be paid to the treasurer of any municipality or union of municipalities which has heretofore acquired land and shall have erected a house of refuge thereon, before the passing of this Act, such sum (within the restrictions aforesaid) as the Lieutenant-Governor in Council may by Order in Council direct to be so paid, if the purchase of such land and erection of buildings thereon or contribution made thereto are in accordance with the provisions of this Act.

Report of  
Inspector.

6. No Order in Council under this Act shall be passed until the Inspector of Asylums and Public Charities has reported that the land and buildings are suitable for the purpose intended, and are ready for occupation.

Order in  
Council to be  
ratified by  
Assembly.

7. Every Order in Council made under this Act shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of said Legislative Assembly.





No. 89.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Establishment of  
Houses of Refuge.

First Reading, February 12th, 1890.  
Second " " 25th, 1890.

*(Reprinted as amended by Committee of  
the Whole House.)*

M. Ross (*Huron*).

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

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No. 90.]

**BILL**

[1890.

An Act to amend the Separate Schools Act, and the  
High Schools Act.

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Section 66 of *The Separate Schools Act* is repealed.
- 5 2. Section 20 of *The High Schools Act* is repealed.

Rev. Stat. c.  
227, s. 66.  
repealed.

Rev. Stat. c.  
226, s. 20,  
repealed.

No. 90.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the Separate Schools Act  
and the High Schools Act

First Reading, 13th February, 1890.

Mr. FRENCH.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

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No. 91.]

## BILL.

[1890.]

An Act to amend the Act to regulate travelling on Public Highways and Bridges.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of the Revised Statutes of Ontario, chapter  
5 195, is hereby amended by adding the following thereto: Rev. Stat. c.  
195, s. 2,  
amended.

“And any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman so overtaken, and the person so overtaken shall not be required to leave more than  
10 one-half of the road free.”



NO. 91.

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4th Session, 6th Legislature, 53 Vic. 1890.

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BILL.

An Act to amend the Act to regulate  
travelling on Public Highways and  
Bridges.

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First Reading, 13th February, 1890.

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Mr. BISHOP.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to make further provision for preventing  
the Spread of Contagious Diseases among Horses.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Where the words following occur in this Act, they shall  
5 be construed in the manner hereinafter mentioned, unless a  
contrary intention appears :

“Veterinarian” means a veterinary surgeon duly registered  
by the Council of the Agriculture and Arts Association of  
Ontario. “Veterinar  
ian.”

10 “Veterinary Inspector” means any veterinarian specially  
appointed by the Government of Ontario. “Veterinary  
Inspector.”

“Inspector” means any inspector appointed by the Govern-  
ment of Ontario or by a municipality. “Inspector.”

15 “Place” means and includes any public highway, street,  
road, lane, alley, way, or other communication, any public  
place or square, also any common, field, stable, shed, or any  
and all premises where any disease under this Act is found  
to exist or to have existed. “Place.”

“Horse” includes a horse or mare.

“Horse.”

20 2. Where it appears to any person that any horse is  
affected with the disease called equine siphilis, such person  
shall at once notify the Minister of Agriculture and any other  
person known to such person to have jurisdiction in the  
matter. Minister to be  
notified of ex-  
istence of  
disease.

25 3. Where the owner or other person having charge of a  
horse has reason to suspect the existence of the said disease  
in said horse, he shall at once take all reasonable precaution  
to prevent the spread of the disease to other horses until it  
has been determined by a veterinarian or veterinary inspector  
30 that the horse is free from disease. Precautions to  
prevent spread  
of disease.

4. Where it appears to any veterinarian or any inspector  
under this Act that any horse is affected with the said disease,  
he shall at once notify the owner or other person in charge of  
the horse, and shall also at once report the matter to the De-  
partment of Agriculture. Notice by vet  
erinarian.

Inspector to  
take charge of  
horse.

5. Where it appears to any inspector appointed under this Act that a horse is diseased, he shall at once take charge of the said horse, and cause the same to be safely kept where it will not be brought into contact with, or be in danger of transmitting the disease to other horses.

5

Appointment  
of Inspectors.

6. The Minister of Agriculture may from time to time appoint an inspector or inspectors under this Act. Veterinary inspectors appointed under this Act shall perform their duties within the limits of the district assigned to them under this Act. They may further, when so directed by the Minister, 10 carry out any order or regulation made under this Act, in any other part of the Province than that for which they are specially appointed.

Powers of In-  
spectors.

7. Any veterinary or other inspector under this Act shall have power to enter in or upon any premises in the perform- 15 ance of any duty laid upon him by this Act, or any regulation made under the provisions of this Act, and may call upon any constable or other person to aid him, under penalty hereinafter mentioned for default in so doing, in executing any action taken under this Act, or any regulation made under 20 this Act.

Minister may  
direct inquiries  
to be made.

8. Wherever it shall appear proper, the Minister of Agriculture may direct any veterinary or other inspector under this Act, to examine into any alleged outbreak of the said disease; to cause such scientific investigations to be made with a view to determining the nature and source of the outbreak 25 as under the circumstances are deemed necessary, and to take (in case the investigation shows reasonable grounds for so doing) such measures for its suppression or limitation as are laid upon him by this Act, or by any regulations made under the provisions of this Act. 30

By laws of  
county councils.

9. Every county council may by by-law make provision for the inspection and examination by competent veterinarians of all stallions intended for breeding purposes during any year in such county: the examination being for the purpose of ascertaining whether such stallions are free from disease. The 35 said council may also prescribe such regulations as may seem desirable in connection with the examination, and also direct how the expenses of the examination shall be paid.

Lieutenant-  
Governor may  
make regula-  
tions.

10. The Lieutenant-Governor in Council may from time to time make such regulations under this Act as may seem neces- 40 sary for the carrying out of its provisions.

Certificate of  
Inspector to  
be evidence.

11. The certificate of a veterinary inspector to the effect that an animal is affected with the said disease, shall for the purposes of this Act, be *prima facie* evidence in all courts of justice and elsewhere of the matter certified. 45

Recovery of  
penalties.

12. Every penalty imposed by this Act shall be recoverable with costs, before any justice of the peace having jurisdiction, or any magistrate having the powers of two justices of the peace under *The Act respecting Summary Proceedings before Justices of the Peace*. 50

**13.** For the purpose of proceeding under this Act, every Where  
 offence against it shall be deemed to have been committed, and offences to be  
 every cause of complaint under this Act shall be deemed to have been  
 have arisen, either in the place where the same actually was committed.  
 5 committed or arose, or in any place in which the person  
 charged or complained against happens to be.

**14.** Every person who refuses to admit any inspector acting Refusing to  
 under this Act, or under regulations or orders made in con- admit inspec-  
 formity with this Act, to any common, field, stable, or other tor.  
 10 premises within his district where such inspector has reason-  
 able ground to believe that any horse affected with the said  
 disease, or other matter or thing exposed to such infection, is  
 to be found, shall for every such offence incur a penalty not ex-  
 ceeding \$50.

**15.** Every person who obstructs or impedes an inspector or Obstructing  
 other officer acting in execution of the provisions of inspector.  
 this Act, or of any order of, or regulation made by the Lieu-  
 tenant-Governor-in-Council, or the Minister of Agriculture  
 thereunder, and every person who aids and assists him therein,  
 20 shall for each offence incur a penalty not exceeding \$100, and  
 the inspector or other officer may apprehend the offender and  
 take him forthwith before a justice of the peace to be dealt  
 with according to the law ; but no person so apprehended shall  
 be detained in custody, without the order of a justice, longer  
 25 than twenty-four hours.

**16.** Any person who exposes for sale or sells any stallion or Selling or ex-  
 mare which has been rejected by any veterinary inspector as posing for sale  
 diseased and unfit for breeding purposes, without giving the diseased ani-  
 buyer information of such inspection and rejection, shall be mals.  
 30 liable to a penalty of not less than \$50 or more than \$150 for  
 the first offence, and to fine and imprisonment for a period of  
 not less than one month for any second or subsequent offence.

**17.** Any person violating any of the provisions contained Penalty for  
 in this Act, respecting which no express penalty is provided other offences.  
 35 herein, shall be guilty of an offence under this Act, and shall  
 on conviction forfeit and pay a sum not exceeding \$100 for  
 each offence.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to make further provision for preventing the Spread of Contagious Diseases among Horses.

---

First Reading, 13th February, 1890.

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MR. DUFFY.

TORONTO:

PRINTED BY WATKINS & SON, 68 AND 70 FRONT ST. W.



An Act to make further provision for preventing the Spread of Contagious Diseases among Horses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :

"Veterinarian" means a veterinary surgeon duly registered by the Council of the Agriculture and Arts Association of Ontario. "Veterinarian."

"Veterinary Inspector" means any veterinarian specially appointed by the Government of Ontario. "Veterinary Inspector."



"Inspector" means any inspector appointed by the Government of Ontario or by a municipality. "Inspector."

"Place" means and includes any public highway, street, road, lane, alley, way, or other communication, any public place or square, also any common, field, stable, shed, or any and all premises where any disease under this Act is found to exist or to have existed. "Place."

"Horse" means a stallion or mare.

"Horse."

"Disease" means equine siphilis or other malignant venereal disease.

2. Where it appears to any person that any horse is affected with disease such person shall at once notify the Minister of Agriculture  by transmitting to him a declaration made before a justice of the peace, commissioner, or notary public, that he has reason to believe that such horse is affected with disease, and shall also notify  any other person known to such person to have jurisdiction in the matter. Minister to be notified of existence of disease.

3. Where the owner or other person having charge of a horse has reason to suspect the existence of disease in said horse, he shall at once take all reasonable precaution to prevent the spread of disease to other horses until it has been determined by a veterinary inspector that the horse is free from disease. Precautions to prevent spread of disease.

4. Where it appears to any inspector under this Act that any horse is affected with disease, he shall at once notify the owner or other person in charge of such horse, and shall also at once report the matter to the Department of Agriculture. Notice by veterinarian.

Inspector to  
take charge of  
horse.

5. Where it appears to any inspector appointed under this Act that a horse is *affected with* disease, he shall cause the same to be safely kept where it will not be brought into contact with, or be in danger of transmitting the disease to other horses.

Appointment  
of Inspectors.

6. The Minister of Agriculture may from time to time appoint an inspector or inspectors under this Act. Veterinary inspectors appointed under this Act shall perform their duties within the limits of the district assigned to them under this Act. They may further, when so directed by the Minister, carry out any order or regulation made under this Act, in any other part of the Province than that for which they are specially appointed.


Powers of In-  
spectors.

7. Any inspector under this Act shall have power to enter in or upon any premises in the performance of any duty laid upon him by this Act, or any regulation made under the provisions of this Act, and may call upon any constable or other person to aid him, under penalty hereinafter mentioned for default in so doing, in executing any action taken under this Act, or any regulation made under this Act.



Minister may  
direct inquiries  
to be made.

8. Wherever it shall appear proper, the Minister of Agriculture may direct any veterinary or other inspector under this Act, to examine into any alleged outbreak of the said disease; to cause such scientific investigations to be made with a view to determining the nature and source of the outbreak as under the circumstances are deemed necessary, and to take (in case the investigation shows reasonable grounds for so doing) such measures for its suppression or limitation as are laid upon him by this Act, or by any regulations made under the provisions of this Act.

By-laws of  
county coun-  
cils.

9.—(1) The council of any county, city, or town separated from a county for municipal purposes, may, by by-law, make provision for the inspection and examination by competent veterinarians of all horses, or may limit the operation of such by-law to stallions alone intended for breeding purposes during any year, in such county, city or town;  the examination being for the purpose of ascertaining whether such horses or stallions are free from disease. The said council may also prescribe such regulations as may seem desirable in connection with the examination, and also direct how the expenses of the examination shall be paid.

By-laws of  
township  
councils.

 (2) Where no by-law has been passed by any county under the preceding sub-section, the council of any township or incorporated village situate in such county may pass a by-law for the purposes mentioned in said sub-section; Provided that if the county council shall afterwards pass such by-law, the by-law in force in any township or village in said county shall become inoperative. 

Lieutenant-  
Governor may  
make regula-  
tions.

10. The Lieutenant-Governor in Council may from time to time make such regulations under this Act as may seem necessary for the carrying out of its provisions.



11. The certificate of a veterinary inspector to the effect that an animal is affected with disease, shall for the purposes of this Act, be *prima facie* evidence in all courts of justice and elsewhere of the matter certified. Certificate of Inspector to be evidence.

12. Every penalty imposed by this Act shall be recoverable with costs, before any justice of the peace having jurisdiction, or any magistrate having the powers of two justices of the peace under *The Act respecting Summary Convictions before Justices of the Peace*. Recovery of penalties.

13. For the purpose of proceeding under this Act, every offence against it shall be deemed to have been committed, and every cause of complaint under this Act shall be deemed to have arisen, either in the place where the same actually was committed or arose, or in any place in which the person charged or complained against happens to be. Where offences to be deemed to have been committed.

14. Every person who refuses to admit any inspector acting under this Act, or under regulations or orders made in conformity with this Act, to any common, field, stable, or other premises within his district where such inspector has reasonable ground to believe that any horse affected with disease, or other matter or thing exposed to such infection, is to be found, shall for every such offence incur a penalty not exceeding \$50. Refusing to admit inspector.

15. Every person who obstructs or impedes an inspector or other officer acting in execution of the provisions of this Act, or of any order of, or regulation made by the Lieutenant-Governor-in-Council, or the Minister of Agriculture thereunder, and every person who aids and assists him therein, shall for each offence incur a penalty not exceeding \$100, and the inspector or other officer may apprehend the offender and take him forthwith before a justice of the peace to be dealt with according to the law ; but no person so apprehended shall be detained in custody, without the order of a justice, longer than twenty-four hours. Obstructing inspector.

 16. Any person who exposes for sale or sells any horse which he has reasonable grounds for suspecting is affected with disease or which has been pronounced by any veterinary inspector as diseased and unfit for breeding purposes, shall be liable to a penalty of not less than \$100 nor more than \$500 for the first offence and to the same fine and also imprisonment for a period of not less than two months for any second or subsequent offence.  Selling or exposing for sale diseased animals.

17. Any person violating any of the provisions contained in this Act, respecting which no express penalty is provided herein, shall be guilty of an offence under this Act, and shall on conviction forfeit and pay a sum not exceeding \$100 for each offence. Penalty for other offences.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to make further provision for preventing the Spread of Contagious Diseases among Horses.

First Reading,	13th February,	1890.
Second	" 25th "	1890.

*(Reprinted as amended by Select Committee.)*

Mr. DRURY.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to make further provision for preventing  
the Spread of Contagious Diseases among Horses.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears : Interpretation

“Veterinarian” means a veterinary surgeon duly registered by the Council of the Agriculture and Arts Association of Ontario. “Veterinarian.”

“Veterinary Inspector” means any veterinarian specially appointed by the Government of Ontario. “Veterinary Inspector.”

“Inspector” means any inspector appointed by the Government of Ontario or by a municipality. “Inspector.”

“Place” means and includes any public highway, street, road, lane, alley, way, or other communication, any public place or square, also any common, field, stable, shed, or any and all premises where any disease under this Act is found to exist or to have existed. “Place.”

“Horse” means a stallion or mare.

“Horse.”

“Disease” means equine syphilis or other malignant venereal disease.

2. Where it appears to any person that any horse is affected with disease such person shall at once notify the Minister of Agriculture by transmitting to him a declaration made before a justice of the peace, commissioner, or notary public, that he has reason to believe that such horse is affected with disease, and shall also notify any other person known to such person to have jurisdiction in the matter. *Any person who maliciously and without reasonable and probable cause gives the notice mentioned in this section, shall be liable to a penalty of not less than \$25 nor more than \$50.* Minister to be notified of existence of disease.

3. Where the owner or other person having charge of a horse has reason to suspect the existence of disease in said horse, he shall at once take all reasonable precaution to prevent the spread of disease to other horses until it has been determined by a veterinary inspector that the horse is free from disease. Precautions to prevent spread of disease.

4. Where it appears to any inspector under this Act that any horse is affected with disease, he shall at once notify the owner or other person in charge of such horse, and shall also at once report the matter to the Department of Agriculture. Notice by veterinarian.



Inspector to  
take charge of  
horses.

5 Where it appears to any inspector appointed under this Act that a horse is affected with disease, he shall cause the same to be safely kept where it will not be brought into contact with, or be in danger of transmitting the disease to other horses.

Appointment  
of Inspectors.

6 The Minister of Agriculture may from time to time appoint an inspector or inspectors under this Act. Veterinary inspectors appointed under this Act shall perform their duties within the limits of the district assigned to them under this Act. They may further, when so directed by the Minister, carry out any order or regulation made under this Act, in any other part of the Province than that for which they are specially appointed.

Powers of In-  
spectors.

7 Any inspector under this Act shall have power to enter in or upon any premises in the performance of any duty laid upon him by this Act, or any regulation made under the provisions of this Act, and may call upon any constable or other person to aid him, under penalty hereinafter mentioned for default in so doing, in executing any action taken under this Act, or any regulation made under this Act.

Minister may  
direct inquiries  
to be made.

8 Wherever it shall appear proper, the Minister of Agriculture may direct any veterinary or other inspector under this Act, to examine into any alleged outbreak of the said disease; to cause such scientific investigations to be made with a view to determining the nature and source of the outbreak as under the circumstances are deemed necessary, and to take (in case the investigation shows reasonable grounds for so doing) such measures for its suppression or limitation as are laid upon him by this Act, or by any regulations made under the provisions of this Act.

By-laws of  
county coun-  
cils.

9.—(1) The council of any county, city, or town separated from a county for municipal purposes, may, by by-law, make provision for the inspection and examination by competent veterinarians of all horses, or may limit the operation of such by-law to stallions alone intended for breeding purposes during any year, in such county, city or town; the examination being for the purpose of ascertaining whether such horses or stallions are free from disease. The said council may also prescribe such regulations as may seem desirable in connection with the examination, and also direct how the expenses of the examination shall be paid.

By-laws of  
township  
councils.

(2) Where no by-law has been passed by any county under the preceding sub-section, the council of any township or incorporated village situate in such county may pass a by-law for the purposes mentioned in said sub-section; Provided that if the county council shall afterwards pass such by-law, the by-law in force in any township or village in said county shall become inoperative.

Lieutenant-  
Governor may  
make regula-  
tions.

10. The Lieutenant-Governor in Council may from time to time make such regulations under this Act as may seem necessary for the carrying out of its provisions.

**11.** The certificate of a veterinary inspector to the effect that an animal is affected with disease, shall for the purposes of this Act, be *prima facie* evidence in all courts of justice and elsewhere of the matter certified. Certificate of Inspector to be evidence.

**12.** Every penalty imposed by this Act shall be recoverable with costs, before any justice of the peace having jurisdiction, or any magistrate having the powers of two justices of the peace under *The Act respecting Summary Convictions before Justices of the Peace*. Recovery of penalties.

**13.** For the purpose of proceeding under this Act, every offence against it shall be deemed to have been committed, and every cause of complaint under this Act shall be deemed to have arisen, either in the place where the same actually was committed or arose, or in any place in which the person charged or complained against happens to be. Where offences to be deemed to have been committed.

**14.** Every person who refuses to admit any inspector acting under this Act, or under regulations or orders made in conformity with this Act, to any common, field, stable, or other premises within his district where such inspector has reasonable ground to believe that any horse affected with disease, or other matter or thing exposed to such infection, is to be found, shall for every such offence incur a penalty not exceeding \$50. Refusing to admit inspector.

**15.** Every person who obstructs or impedes an inspector or other officer acting in execution of the provisions of this Act, or of any order of, or regulation made by the Lieutenant-Governor-in-Council, or the Minister of Agriculture thereunder, and every person who aids and assists him therein, shall for each offence incur a penalty not exceeding \$100, and the inspector or other officer may apprehend the offender and take him forthwith before a justice of the peace to be dealt with according to the law; but no person so apprehended shall be detained in custody, without the order of a justice, longer than twenty-four hours. Obstructing inspector.

**16.** Any person who exposes for sale or sells any horse which he has reasonable grounds for suspecting is affected with disease or which has been pronounced by any veterinary inspector as diseased and unfit for breeding purposes, shall be liable to a penalty of not less than \$100 nor more than \$500 for the first offence and to the same fine and also imprisonment for a period of not less than two months for any second or subsequent offence. Selling or exposing for sale diseased animals.

**17.** Any person violating any of the provisions contained in this Act, respecting which no express penalty is provided herein, shall be guilty of an offence under this Act, and shall on conviction forfeit and pay a sum not exceeding \$100 for each offence. Penalty for other offences.

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4th Session, 6th Legislature, 53 Vic., 1890

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BILL.

An Act to make further provision for preventing the Spread of Contagious Diseases among Horses.

---

First Reading,	13th February,	1890.
Second    "    25th       "		1890.

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*(Reprinted as amended by Committee of  
the whole House.)*

MR. DRURY.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

No. 93.]

## BILL.

[1890.

### An Act to Amend the Act respecting the Law of Landlord and Tenant.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Section 28 of *The Act respecting the Law of Landlord and Tenant*, chapter 143 of the Revised Statutes of Ontario, 1887, is amended by inserting after the word "condition," in the 12th line of the said section, the words, "but the seizure and sale of such last mentioned goods for arrears of rent shall only convey the same, subject to the lien thereon of the vendor or bailor thereof for the unpaid purchase money of such goods." Rev. Stat. c. 143, s. 28, amended.

No. 13.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to Amend the Act respecting the  
Law of Landlord and Tenant.

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First Reading, 13th February, 1890.

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MR. STRATON.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



No. 94.]

## BILL.

[1890.]

An Act to amend the Act respecting the Education  
Department.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Sub-section 2 of section 7 of the Act respecting the Rev. Stat. c.  
224, s. 7, sub-s.  
5 Education Department is hereby repealed, and the following 2 repealed.  
substituted therefor:

(2) No such regulation or Order in Council shall have any  
force or effect until it shall be approved of by the Legislative  
Assembly, and, if so approved, the same shall be printed and  
10 bound up with the Statutes of the year.

No. 94.

4th Session, 6th Legislature, 1890.

1111.

An Act to amend the Act respecting the  
Lawrence Corporation.

Printed by the Legislature, 1890.

Mr. CREIGHTON.

TO BE PRINTED:

PRINTED BY WATKINS & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 320 of *The Municipal Act* is hereby amended  
5 by striking out the word "two-fifths" wherever the same  
occurs in the said section and inserting the word "one-third"  
in lieu thereof. Rev. Stat. c.  
184, s. 320,  
amended.

2. Sub-section 5 of section 566 of the said Act is amended  
by striking out the word "new" in the third line of the  
10 said sub-section and inserting the words "or improving"  
after the word "making" and before the word "any" in the  
said third line. Rev. Stat. c.  
184, s. 566,  
amended.

3. Section 566 of the said Act is further amended by add-  
ing thereto the following sub-sections: Rev. Stat. c.  
184, s. 566,  
amended.

15 (8) For repealing any by-law assuming any road, other  
than a toll road, as a county road, notwithstanding that the  
county has caused the road to be planked, gravelled or maca-  
damized and for restoring jurisdiction over any such road to  
the local municipality or municipalities within the county  
20 through which the road runs:

(9) For abandoning to the local municipality or munici-  
palities through which the same runs, any road other than a  
toll road which the county may have purchased or may own,  
and upon such abandonment the road shall be under the juris-  
25 diction of the local municipality. By-laws for  
abandonment  
of roads to  
local munici-  
palities.

BILL.

An Act to amend The Municipal Act.

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First Reading, 14th February, 1890.

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M. G. FURIE.

TORONTO:

PRINTED BY WATKINS & SONS, 65 & 70 FRONT ST. W.

No. 96.]

## BILL.

[1890

An Act to amend the Act to authorize the appointment of Fire Guardians, and for the better Prevention of Bush Fires.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of the Act passed in the 52nd year of Her Majesty's reign, and chaptered 46, entitled, "An Act to authorize the appointment of Fire Guardians, and for the better prevention of Bush Fires," is amended by striking out the words "at its first meeting in any year hereafter, or at a special meeting to be called for the purpose within two months after the passing of this Act," in the first sub-section thereof.



BILL.

An Act to amend the Act to authorize the  
appointment of Fire Guardians and for  
the better Prevention of Bush Fires.

First Reading, 14th February, 1890.

MR. MEACHAM.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 97.]

## BILL.

[1890.

### An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section 569 of *The Municipal Act* is amended by adding  
5 thereto the following sub-section:—

Rev. Stat. c.  
184, s. 569,  
amended.

(22) No person shall be allowed to withdraw his name from  
any petition signed by him, soliciting the council of any muni-  
cipality to take proceedings under the provisions of sub-section  
1 of this section, except with the consent of such council.

Withdrawal  
of names of  
petitioners.

No. 97.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend The Municipal Act.

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First Reading, 14th February, 1890.

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Mr. FERGUSON.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

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No. 98.]

## BILL.

[1890.

### An Act to amend The Assessment Act.

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. Section 28 of *The Assessment Act* is amended by insert-  
5 ing after the word "used" in the second line thereof the words  
"as a farm or," and by striking out the word "therewith" in  
the fourth line of the said section and inserting in lieu thereof  
the words "as a farm or with such residence or building."

Rev. Stat. c.  
193, s. 28,  
amended.

No. 98.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Assessment Act.

First Reading, 17th February, 1890.

Mr. CLARKE (*Wellington.*)

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



## An Act to improve The Liquor License Laws.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Sub-section 14 of section 11 of *The Liquor License Act* is hereby repealed and the following substituted therefor :

Rev. Stat. c.  
194, s. 11,  
sub-s. 14,  
repealed.

14. In the case of an application for a tavern or shop license by a person who is not, at the time of making such application, a licensee under this Act, or as to premises which are not then licensed, the petition must be accompanied by a certificate signed by a majority of the electors entitled to vote at elections for the Legislative Assembly in the polling sub-division in which the premises sought to be licensed are situated, and the said majority must include at least, one-third of the said electors who are at the time of such application residents within the said polling sub-division. In case of any dispute as to whether the number of electors who have signed such petition compose a majority of the duly qualified electors of the sub-division, or include one-third of the resident electors, or, in case of a dispute as to whether any one or more persons who have signed the petition are duly qualified voters, or are residents of the sub-division, the clerk of the municipality in which the sub-division is situate, shall take evidence upon oath, or otherwise, and determine the question in dispute, and he shall in such case certify to the board, the number of duly qualified electors and of resident electors respectively for the sub-division and the number of duly qualified electors who have signed the petition, and the number of such last-mentioned electors who are resident as aforesaid, and his certificate shall be final and conclusive.

Certificate required with application in case applicant is not a licensee.

Clerk of municipality to certify in case of dispute.

30 In unorganized districts the said certificate shall be signed by at least ten out of the twenty householders residing nearest to the premises in which the applicant proposes to carry on the business for which the license is required.

As to unorganized districts.

14a. Such certificate shall be in the form N, in the schedule hereto, or to the like effect, in respect of the fitness of the applicant to have such license, and the premises in which it is proposed to carry on the business, and the desirability, on the ground of public convenience of having a license granted therefor.

Form and requisites of certificate.

40 2. Section 10 of the said Act is hereby repealed and the following substituted therefor :—

Rev. Stat. c.  
194, s. 10,  
repealed.

10. No bar-room shall be kept or maintained for the sale of liquor on any vessel upon which the sale of liquor may be licensed under this Act, nor shall any liquor be sold or supplied in any room or place on such vessel used as a bar-room.

Rev. Stat. c. 194, s. 36, amended. **3.** Section 36 of the said Act is hereby amended by inserting 5 after the words "one time" in the fourth line thereof the following: "and manufacturers of cider from apples grown in Ontario who sell such cider in quantities of not less than 25 gallons at one time."

Rev. Stat. c. 194, s. 41, sub-s. 1, amended. **4.** Clauses 5 and 6 of sub-section (1) of section 41 are 10 hereby repealed and the following substituted therefor:—

5. For each license (other than a beer and wine license), for a vessel navigating any of the great lakes or the rivers St. Lawrence or Ottawa ..... \$50 15
- For each beer and wine license for any such vessel. 25
- For each license (other than a beer or wine license), for a vessel navigating the inland waters of the Province other than as aforesaid ..... 30
- For each beer and wine license for any such last-mentioned vessel ..... 20 15
6. For every transfer or removal of a license under sections 37 and 38 of this Act, \$15, and the mileage of the Inspector, as provided by section 39 of this Act.

Rev. Stat. c. 194, s. 44, sub-s. 1, amended. **5.** Clause 4 of sub-section 1 of section 44 is hereby 25 repealed and the following substituted therefor:—

4. For each vessel license, (a) great lakes ..... \$40
- do do (b) do beer and wine 15
- do do (c) inland waters ..... 20
- do do (d) do beer and wine 10 30

Rev. Stat. c. 194, s. 53, amended. **6.** Section 53 is hereby amended by striking out all the words after the word "club" in the fourth line thereof down to and including the word "Act" in the ninth line thereof.

Rev. Stat. c. 194, s. 71, repealed. **7.** Section 71 is hereby repealed and the following substituted therefore:— 35

Penalties for contravention of section 54 (1). **71.—(1)** Offences against sub-section 1 of section 54 of this Act shall be punishable on summary conviction as follows:—

First offence. (a) For the first offence, by the imposition of a penalty of not less than \$20, and not more than \$40 besides costs. 40

Second offence. (b) For the second offence by the imposition of a penalty of not less than \$40 and not more than \$80, besides costs, or twenty days imprisonment with hard labour.

(c) For the third offence, by the imposition of a penalty of not less than \$50 and not more than \$100 besides costs or fifty days imprisonment, with hard labour, and such conviction for a third offence shall in addition to any other punishment by law provided, *ipso facto*, operate as a forfeiture of the license held by the person so convicted, and disqualify him from obtaining a license for two years thereafter.

Third offence.

(2) Where in any such conviction a penalty in money is imposed under the preceding sub-section, the Justice shall order or adjudge that the same may be recoverable by distress and sale of the goods and chattels of the defendant, and that in default of sufficient distress, the offender be imprisoned in the county gaol of the county in which the conviction is made, for a period not exceeding fifteen days in the case of a first offence, twenty days in the case of a second offence, and fifty days in the case of a third offence, in each such case with hard labour, unless in each such case the penalty and costs by the conviction adjudged to be paid, and all costs and charges of the distress and also the costs and the charges of the commitment and conveying of the defendant to prison, (the amount thereof being ascertained and stated in the warrant of commitment) are sooner paid.

Recovery of penalties by distress.

(3) Every person convicted of an offence against sub-section 1 of section 58 of this Act shall be liable to a penalty for each offence of not more than \$10 and not less than \$2, besides costs.

Penalty for contravention of sec. 58 (1).

8.—(1) In all cases of convictions under *The Liquor License Act* or of this Act, where the Justice or Justices are authorized to adjudge that a penalty in money, or a penalty in money and costs, be paid by the defendant, and that in default of payment thereof, the defendant be imprisoned for any period, with or without hard labour, the Justice or Justices may by the conviction adjudge that the defendant be imprisoned, unless the sum or sums adjudged to be paid, and also the costs and charges of the commitment and conveying of the defendant to prison are sooner paid.

Costs of commitment and conveying to gaol.

(2) The amount of the costs and charges of the commitment and conveying of the defendant to prison are to be ascertained and stated in the warrant of commitment.

9. Section 76 is hereby amended by striking out the word "sixteen" in the fourth line thereof, and substituting therefor the word "eighteen," and by adding to the said section the following as sub-section 2 thereof:—

Rev. Stat. c. 194, s. 76. amended.

(2) Any licensed person who allows to be supplied in his licensed premises, by sale or otherwise, any description whatever of liquor to any person under the age of twenty-one years (hereinafter called the minor) in respect of whom a notice in writing has been given to any such licensed person, signed by the father, mother, guardian or master of such minor, correctly stating the age of such minor, and forbidding such licensed person to sell or supply such minor with liquor, the said minor not being resident on the premises or a *bona fide* guest or lodger, shall, as well as the person who actually gives or supplies the liquor, be liable to pay a penalty of not less than \$10 and not exceeding \$20 for every such offence.

Supplying liquor to minors after notice.

Rev. Stat. c.  
194, s. 79,  
amended.

**10.** Section 79 is hereby amended by striking out the words "section 70" in the twentieth line thereof, and substituting therefor the words "section 85."

Rev. Stat. c.  
194, s. 88,  
repealed.

**11.** Section 88 is hereby repealed.

Rev. Stat. c.  
194, s. 96,  
amended.

**12.** Section 96 is hereby amended by striking out the words "section 70" in the fourth line of said section, and substituting therefor the words "section 85."

Rev. Stat. c.  
194, s. 101,  
sub-s. 6,  
amended.

**13.** Sub-section 6 of section 101 is hereby amended by inserting after the words "section 70," in the fifth line thereof, the words "or 85," and by inserting after the words "section 70" where they occur in the eighth and fourteenth lines thereof, the words "or 85 as the case may be."

Rev. Stat. c.  
194, s. 112,  
amended.

**14.** Section 112 is hereby amended by adding thereto the following sub-section:—

3. For the purposes of this section any person being an owner or lessee in actual occupation and possession of the premises, or anyone who being in actual occupation and possession leases or sub-lets any part thereof in which liquors are kept for sale, barter or trading therein, or in which they are sold or consumed, shall be deemed to be an occupant unless such leasing or sub-letting shall have received the consent in writing of the board of license commissioners.

Rev. Stat. c.  
194, s. 118,  
sub-s. 2,  
repealed.  
Procedure on  
appeals.

**15.** Sub-section 2 of section 118 is hereby repealed and the following substituted therefor:—

(2) Subject to the provisions contained in the following sections hereof, an appeal shall lie to the Judge of the County Court of the county in which the conviction is made, sitting in Chambers without a jury in all cases where the person convicted is a licensee or the conviction is for any offence committed on or with respect to premises licensed under this Act, provided a notice of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction.

Rev. Stat. c.  
194, s. 125,  
amended.

**16.** Section 125 is hereby amended by inserting the words "giving or" before the word "requiring" in the 18th line thereof.

Rev. Stat. c.  
194, s. 127,  
sub-s. 2,  
amended.

**17.** Sub-section 2 of section 127 is hereby amended by striking out the word "one" at the commencement thereof, and inserting the word "two" in lieu thereof and by inserting the words "either of" after the word "when" at the commencement of paragraph (e) of the said sub-section.

Rev. Stat. c.  
194, s. 132,  
amended.

**18.** Section 132 is hereby amended by adding thereto the following sub-section.

Officer may  
demand names  
and addresses  
of frequenters  
of unlicensed  
premises.

(2) Any inspector, policeman, constable or officer having in pursuance of the two preceding sections or either of them entered any unlicensed premises in which he seizes or from which he removes any such liquor as aforesaid, may demand the name and address of any person found in such premises, and if such person refuses to give his name and address, or if



the inspector, policeman, constable or officer, has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name or address, and may if such person fail upon such  
 5 demand to give his name or address or to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, apprehend him without warrant and carry him, as soon as practicable, before a Justice of the Peace.

Any person found on the premises as aforesaid who in answer  
 10 to the inspector, policeman, constable or officer, refuses to give his name and address or gives a false name or address, or gives false information with respect to such name or address, or fails to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, shall be liable to a  
 15 penalty of not less than \$10 nor more than \$20 besides costs, and in default of payment shall be imprisoned for a period of not less than twenty and not more than forty days.

19. Whereas the following provision of this section was at Preamble.  
 the date of Confederation, in force as a part of *The Consolidated*  
 20 *Municipal Act*, (s. 249, sub-s. 9, c. 51, 29 & 30 Vict.), and was afterwards re-enacted as sub-s. 7 of s. 6 of c. 32, 32 Vict., being *The Tavern and Shop License Act of 1868*, but was afterwards omitted in subsequent consolidations of *The Municipal* and *The Liquor License Acts*, similar provisions as to  
 25 local prohibition being contained in *The Temperance Act of 1864*, 27 & 28 Vict., c. 18; and the said last-mentioned Act having been repealed in municipalities where not in force by *The Canada Temperance Act*, it is expedient that municipalities should have the powers by them formerly possessed;  
 30 it is hereby enacted as follows:

The council of every township, city, town and incorporated village, may pass by-laws for prohibiting the sale by retail of spirituous, fermented or other manufactured liquors, in any tavern, inn or other house or place of public entertainment,  
 35 and for prohibiting altogether the sale thereof in shops and places other than houses of public entertainment: Provided that the by-law, before the final passing thereof, has been duly approved of by the electors of the municipality in the manner provided by the sections in that behalf of *The Municipal Act*:  
 40 Provided further that nothing in this section contained shall be construed into an exercise of jurisdiction by the Legislature of the Province of Ontario beyond the revival of the provisions of this section, which were in force at the date of the passing of *The British North America Act*, and which sub-  
 45 sequent legislation of this province purported to repeal.

Powers of municipal councils as to prohibiting sale of liquor.



## SCHEDULE N.

To the Board of License Commissioners of the License District of .

We, the undersigned electors of polling sub-division number                      of the                      , wherein are situate the premises in respect of which X. Y. is applying for a                      license for the ensuing license year, do hereby certify that X. Y., the applicant for the said license, is a fit and proper person to be licensed to sell liquors and to keep a                      , and that the premises in which the said X. Y. proposes to carry on the business for which he seeks a license, are, in our opinion, suitable therefor, and that the same are situate in a place where the carrying on of the said business will not be an annoyance to the public generally.

And we have hereto appended our names, and the distances approximately, at which we respectively reside, or own property, from the said premises for which the license is sought.

Signatures.

} Distance of premises  
} respectively from  
} premises sought to  
} be licensed.



No. 99.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to improve The Liquor License  
Laws.

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First Reading, 17th February, 1890.

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MR. GIBSON,  
(*Hamilton.*)

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to improve The Liquor License Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 14 of section 11 of *The Liquor License Act* is hereby repealed and the following substituted therefor:

Rev. Stat. c.  
194, s. 11,  
sub-s. 14,  
repealed.

14. In the case of an application for a tavern or shop license by a person who is not, at the time of making such application, a licensee under this Act, or as to premises which are not then licensed, the petition must be accompanied by a certificate signed by a majority of the electors entitled to vote at elections for the Legislative Assembly in the polling sub-division in which the premises sought to be licensed are situated, and the said majority must include at least, one-third of the said electors who are at the time of such application residents within the said polling sub-division. The foregoing shall not apply to the transfer of a license from the holder thereof to some other person for the same premises with the consent of the commissioners, nor to a licensee applying for a license for or permission of the commissioners to remove with his license to other premises in the same polling sub-division; provided that such license or permission shall not increase the number of licensed premises in such polling sub-division, and shall not be allowed if a majority of the electors duly qualified as aforesaid petition against the same on the grounds hereinbefore set forth or any of such grounds.

Certificate re-  
quired with  
application in  
case applicant  
is not a  
licensee.

- (a) In case of any dispute as to whether the number of electors who have signed the *certificate or petition hereinbefore mentioned* compose a majority of the duly qualified electors of the sub-division, or include one-third of the resident electors, or, in case of a dispute as to whether any one or more persons who have signed the *certificate or petition* are duly qualified voters, or are residents of the sub-division, the clerk of the municipality in which the sub-division is situate, shall take evidence upon oath, or otherwise, and determine the question in dispute, and he shall in such case certify to the board, the number of duly qualified electors and of resident electors respectively for the sub-division and the number of duly qualified electors who have signed the *certificate or petition as the case may be*, and in the case of a *certificate*, the number of such last mentioned electors who are resident as aforesaid, and his certificate shall be final and conclusive.

Clerk of muni-  
cipality to  
certify in case  
of dispute.

As to unorganized districts.

(b) In unorganized districts the said certificate shall be signed by at least *eleven* out of the twenty householders residing nearest to the premises in which the applicant proposes to carry on the business for which the license is required.

Form and requisites of certificate.

(c) Such certificate shall be in the form N, in the schedule hereto, or to the like effect, in respect of the fitness of the applicant to have such license, and the premises in which it is proposed to carry on the business, and the desirability, on the ground of public convenience of having a license granted therefor.

Time for presenting certificate.

(d) The certificate in support of any petition for a license to take effect from the first day of May, 1890, shall for the purposes of this section be in time if presented to the commissioners at or before their first meeting for considering applications.

Rev. Stat. c. 194, s. 9, 10, 41 and 44, amended.

2.—(1) Section 9 of the said Act is hereby amended by striking out all after the word "situate" in the fifth line thereof.

(2) Section 10 of the said Act is hereby repealed and the following substituted therefor :

10. No license shall be issued for the sale of liquor on any vessel navigating any of the great lakes or the rivers St. Lawrence or Ottawa or any of the inland waters of the province of Ontario, nor shall any liquor be sold or kept for sale in any room or place on any such vessel.

(3) Section 41 of the said Act is hereby amended by striking out paragraph 5 of the first sub-section thereof relating to duties for vessel licenses and by striking out the second sub-section thereof.

(4) Section 44 of the said Act is hereby amended by striking out paragraph 4 of the first sub-section thereof relating to additional duties for vessel licenses.

3. Section 4 of the said Act is hereby amended by adding thereto the following sub-section :—

(6) To remove doubts it is hereby declared to be and always to have been the true intent and meaning of this section that regulations duly passed by the board of license commissioners in accordance with the provisions thereof shall remain in force until amended or repealed by the same or any subsequent board of commissioners.

Rev. Stat. c. 194, s. 53, amended.

4. Section 53 is hereby amended by striking out all the words after the word "club" in the fourth line thereof down to and including the word "Act" in the ninth line thereof.

Rev. Stat. c. 194, s. 71, repealed.

5. Section 71 is hereby repealed and the following substituted therefore :—

Penalties for contravention of section 54 (1).

First offence.

71.—(1) Offences against sub-section 1 of section 54 of this Act shall be punishable on summary conviction as follows :—

(a) For the first offence, by the imposition of a penalty of not less than \$20, and not more than \$40 besides costs.



(b) For the second offence by the imposition of a penalty of not less than \$40 and not more than \$80, Second of fence. besides costs, or twenty days imprisonment with hard labour.

(c) For the third offence, by the imposition of a penalty of not less than \$80 and not more than \$100 besides costs, or fifty days imprisonment with hard labour, and such conviction for a third offence shall in addition to any other punishment by law provided, *ipso facto*, operate as a forfeiture of the license held by the person so convicted, and disqualify him from obtaining a license for two years thereafter. Third offence.

(2) Where in any such conviction a penalty in money is imposed under the preceding sub-section, the Justice shall order or adjudge that the same *and any sums also awarded for costs* may be recoverable by distress and sale of the goods and chattels of the defendant, and that in default of sufficient distress, the offender be imprisoned in the county gaol of the county in which the conviction is made, for a period not exceeding fifteen days in the case of a first offence, twenty days in the case of a second offence, and fifty days in the case of a third offence, in each such case with hard labour, unless in each such case the penalty and costs by the conviction adjudged to be paid, and all costs and charges of the distress and also the costs and the charges of the commitment and conveying of the defendant to prison, (the amount thereof being ascertained and stated in the warrant of commitment) are sooner paid. Recovery of penalties by distress.

(3) Every person convicted of an offence against sub-section 1 of section 58 of this Act shall be liable to a penalty for each offence of not more than \$10 and not less than \$2, besides costs. Penalty for contravention of sec. 58 (1).

6.—(1) In all cases of convictions under *The Liquor License Act* or of this Act, where the Justice or Justices are authorized to adjudge that a penalty in money, or a penalty in money and costs, be paid by the defendant, and that in default of payment thereof, the defendant be imprisoned for any period, with or without hard labour, the Justice or Justices may by the conviction adjudge that the defendant be imprisoned, unless the sum or sums adjudged to be paid, and also the costs and charges of the commitment and conveying of the defendant to prison are sooner paid. Costs of commitment and conveying to gaol.

(2) The amount of the costs and charges of the commitment and conveying of the defendant to prison are to be ascertained and stated in the warrant of commitment.

7. Section 76 is hereby amended by striking out the word "sixteen" in the fourth line thereof, and substituting therefor the word "eighteen," and by adding to the said section the following as sub-section 2 thereof:— Rev. Stat. c 194, s. 76. amended.

(2) Any licensed person who allows to be supplied in his licensed premises, by sale or otherwise, any description whatever of liquor to any person under the age of twenty-one years (hereinafter called the minor) in respect of whom a notice in writing has been given to any such licensed person, signed by the father, mother, guardian or master of such Supplying liquor to minors after notice.

minor, correctly stating the age of such minor, and forbidding such licensed person to sell or supply such minor with liquor, the said minor not being resident on the premises or a *bona fide* guest or lodger, shall, as well as the person who actually gives or supplies the liquor, be liable to pay a penalty of not less than \$10 and not exceeding \$20 *besides costs* for every such offence.

Rev. Stat. c.  
194, s. 79,  
amended.

8. Section 79 is hereby amended by striking out the words "section 70" in the twentieth line thereof, and substituting therefor the words "section 85."

Rev. Stat. c.  
194, s. 88,  
repealed.

9. Section 88 is hereby repealed.

Rev. Stat. c.  
194, s. 96,  
amended.

10. Section 96 is hereby amended by striking out the words "section 70" in the fourth line of said section, and substituting therefor the words "section 85."

Rev. Stat. c.  
194, s. 101,  
sub-s. 6,  
amended.

11. Sub-section 6 of section 101 is hereby amended by inserting after the words "section 70," in the fifth line thereof, the words "or 85," and by inserting after the words "section 70" where they occur in the eighth and fourteenth lines thereof, the words "or 85 as the case may be."

Rev. Stat. c.  
194, s. 112,  
amended.

12. Section 112 is hereby amended by adding thereto the following sub-section:—

3. For the purposes of this section any person being an owner or lessee in actual occupation and possession of the premises, or anyone who being in actual occupation and possession leases or sub-lets any part thereof in which liquors are kept for sale, barter or trading therein, or in which they are sold or consumed, shall be deemed to be an occupant unless such leasing or sub-letting shall have received the consent in writing of the board of license commissioners.

Rev. Stat. c.  
194, s. 118,  
sub-s. 2,  
repealed.  
Procedure on  
appeals.

13. Sub-section 2 of section 118 is hereby repealed and the following substituted therefor:—

(2) Subject to the provisions contained in the following sub-sections hereof, an appeal shall lie to the Judge of the County Court of the county in which the conviction is made, sitting in Chambers without a jury in all cases where the person convicted is a licensee or the conviction is for any offence committed on or with respect to premises licensed under this Act, provided a notice of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction.

Rev. Stat. c.  
194, s. 125,  
amended.

14. Section 125 is hereby amended by inserting the words "giving or" before the word "requiring" in the 18th line thereof.

15. Sub-section 2 of section 127 is hereby amended by striking out the following words at the commencement thereof, "one of such officers may be designated provincial inspector, and it shall be his duty," and substituting therefor the following: "two of such officers may be designated provincial inspectors and it shall be their duty." Paragraph (e) of the said

sub-section is also hereby amended by substituting for the words "when the said provincial inspector" at the commencement thereof the words "when either of the said provincial inspectors."

16. Section 132 is hereby amended by adding thereto the following sub-section.

(2) Any inspector, policeman, constable or officer having in pursuance of the two preceding sections or either of them entered any unlicensed premises in which he seizes or from which he removes any such liquor as aforesaid, may demand the name and address of any person found in such premises, and if such person refuses to give his name and address, or if the inspector, policeman, constable or officer, has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name or address, and may if such person fail upon such demand to give his name or address or to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, apprehend him without warrant and carry him, as soon as practicable, before a Justice of the Peace.

Any person found on the premises as aforesaid who in answer to the inspector, policeman, constable or officer, refuses to give his name and address or gives a false name or address, or gives false information with respect to such name or address, or fails to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, shall be liable to a penalty of not less than \$10 nor more than \$20 besides costs, and in default of payment shall be imprisoned for a period of not less than twenty and not more than forty days.

Rev. Stat. c.  
194, s. 132,  
amended.

Officer may  
demand names  
and addresses  
of frequenters  
of unlicensed  
premises.

17. Whereas the following provision of this section was at the date of Confederation, in force as a part of *The Consolidated Municipal Act*, (s. 249, sub-s. 9, c. 51, 29 & 30 Vict.), and was afterwards re-enacted as sub-s. 7 of s. 6 of c. 32, 32 Vict., being *The Tavern and Shop License Act* of 1868, but was afterwards omitted in subsequent consolidations of *The Municipal and The Liquor License Acts*, similar provisions as to local prohibition being contained in *The Temperance Act* of 1864, 27 & 28 Vict., c. 18; and the said last-mentioned Act having been repealed in municipalities where not in force by *The Canada Temperance Act*, it is expedient that municipalities should have the powers by them formerly possessed; it is hereby enacted as follows:

The council of every township, city, town and incorporated village, may pass by-laws for prohibiting the sale by retail of spirituous, fermented or other manufactured liquors, in any tavern, inn or other house or place of public entertainment, and for prohibiting altogether the sale thereof in shops and places other than houses of public entertainment: Provided that the by-law, before the final passing thereof, has been duly approved of by the electors of the municipality in the manner provided by the sections in that behalf of *The Municipal Act*: Provided further that nothing in this section contained shall be construed into an exercise of jurisdiction by the Legislature of the Province of Ontario beyond the revival of the provisions of this section, which were in force at the date of the passing of *The British North America Act*, and which subsequent legislation of this province purported to repeal.

Preamble.  
  
Powers of  
municipal  
councils as  
to prohibiting  
sale of liquor.

## SCHEDULE N.

To the Board of License Commissioners of the License District of

We, the undersigned electors of polling sub-division number                      of the                      , wherein are situate the premises in respect of which X. Y. is applying for a                      license for the ensuing license year, do hereby certify that X. Y., the applicant for the said license, is a fit and proper person to be licensed to sell liquors and to keep a                      , and that the premises in which the said X. Y. proposes to carry on the business for which he seeks a license, are, in our opinion, suitable therefor, and that the same are situate in a place where the carrying on of the said business will not be an annoyance to the public generally.

And we have hereto appended our names, and the distances approximately, at which we respectively reside, or own property, from the said premises for which the license is sought.

Signatures.

} Distance of premises  
} respectively from  
} premises sought to  
} be licensed.





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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL

An Act to improve the Liquor License  
Laws.

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First Reading, 6th February, 1890.  
Second " 25th February, 1890.

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*(Reprinted as amended by Committee of  
the Whole House).*

MR. GIBSON.  
(*Hamilton*).

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TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

No. 100.]

## BILL.

[1890.

An Act to provide for the purchase of Debentures issued by Counties for drainage purposes.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The duties by *The Municipal Drainage Aid Act* assigned to the Commissioner of Public Works are hereby transferred to and vested in the Provincial Treasurer; but this shall not apply to the 6th section of the said Act. (R. S. O., 1887, c. 37.)  
Duties of Commissioner of Public Works under Rev. Stat. c. 37 transferred to Treasurer.
2. The authority given under the said Act to purchase township debentures is hereby extended to county debentures issued under by-laws passed in pursuance of section 598 of *The Municipal Act*.  
Purchase of county drainage debentures.
3. The duties by *The Tile, Stone and Timber Drainage Act* assigned to the Commissioner of Agriculture are hereby transferred to and vested in the Provincial Treasurer. (R.S.O. 1887, c. 38.)  
Duties of Commissioner of Agriculture under Rev. Stat. c. 38 transferred to Treasurer.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to provide for the purchase of  
Debentures issued by Counties for drain-  
age purposes.

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First Reading, 17th February, 1890.

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MR. ROSS,  
(*Huron.*)

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the Toronto, Hamilton and Buffalo  
Railway Company.

**W**HEREAS the Toronto, Hamilton and Buffalo Railway Company have petitioned for an Act making certain amendments to their Act of incorporation, and the Act amending the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of the Act passed in the 47th year of Her Majesty's reign, chapter 75, and entitled *An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company*, is hereby amended by striking out the words "any other railway company," and substituting therefor the words "The Grand Trunk Railway Company of Canada, or the Canadian Pacific Railway Company."

2. The capital of the said company shall be \$1,200,000, Capital divided into 20,000 shares of \$100 each.

3. Section 36 of the said Act is hereby amended by substituting therein for the words "two millions of dollars," words following "\$42,000 per mile for each mile of the said railway constructed, or under contract to be constructed."

4. The company may secure the bonds, debentures or other securities which it is authorized to issue for the purpose of raising money for prosecuting the said undertaking by a deed or deeds of mortgage executed by the company with the authority of its shareholders, expressed by a resolution passed at a special general meeting of the shareholders called for the purpose, and any such deed may contain such description of the property mortgaged by such deed, and such conditions respecting the payment of the bonds secured thereby, and of the interest thereon, and the remedies to be enjoyed by the holders of such bonds, or by any trustee or trustees for them, in default of such payment and the enforcement of such remedies, and may provide for such forfeitures and penalties in default of such payment as are approved of by such meeting, and such deed may also contain, with the approval aforesaid, authority to the trustee or trustees upon such default as one of such remedies to take possession of the railway and property mortgaged, or such portion or part thereof as may be so mortgaged, and to hold and work the same for the benefit of the bondholders thereof, for a time to be limited by such deed, or to sell the said railway and property after such delay, and upon

Preamble.

47 V. c. 75, s. 52, amended.

47 V., c. 75, s. 36, amended.

Mortgages to secure bonds of company.

such notice, terms and conditions as are stated in such deed, and with like approval any such deed may contain provisions to the effect, and upon such default and upon such other conditions as are described in such deed, that the right of voting possessed by the shareholders of the company shall cease and determine, and shall thereafter appertain to the bondholders, and such deed may also provide for the conditional or absolute cancellation after such sale of any or all of the shares so deprived of voting power, and may also either directly by its terms, or indirectly by a reference to the by-laws of the company provide for the mode of enforcing and exercising the powers and authorities to be conferred and defined by such deed under the provisions thereof, and such deed and such provisions thereof as purport, with like approval, to grant such further and other powers and privileges to such trustee or trustees, and to such bondholders as are not contrary to law or the provisions of the charter, shall be valid and binding.

Mortgages to be deposited with Provincial Secretary.

5. It shall not be necessary in order to preserve the lien, charge or privilege purporting to appertain to, or to be created by any bond issued, or mortgage deed executed under the provisions of this charter, that such bond or deed should be registered in any manner, or in any place whatever, but that such mortgage deed shall be deposited in the office of the Provincial Secretary, for the Province of Ontario, of which deposit notice shall be given in the *Ontario Gazette*, and a copy of such mortgage deed, certified to be a true copy by the Provincial Secretary or his deputy, shall be received as *prima facie* evidence of the original in all courts without proof of the signature or seal upon such original.

Extension of line.

6. The said company is hereby authorized to extend its line of railway from a point at or near the city of Hamilton to a point in the county of Brant in or near the city of Brantford, or to a point connecting with the line of the Brantford, Waterloo and Lake Erie Company.





No 101.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the Toronto, Hamilton  
and Buffalo Railway Company

First Reading.

1890.

(Private Bill).

MR. HARBOUR.

TORONTO:

Printed by WARWICK & SONS, 68 & 70 Front St. W.

No. 101.]

## BILL.

[1890.

### An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

**W**HEREAS the Toronto, Hamilton and Buffalo Railway Company have petitioned for an Act making certain amendments to their Act of incorporation, and the Act amending the same; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of the Act passed in the 47th year of Her Majesty's reign, chaptered 75, and entitled *An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company*, is hereby repealed and the following substituted therefor: 47 V. c. 75, s. 52, amended.

52. "It shall not be lawful for the said company to amalgamate with or lease or sell to or make pooling arrangements with either the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the South Ontario Pacific Railway Company or the Ontario and Quebec Railway Company."

2. The capital of the said company shall be \$2,000,000, Capital. divided into 20,000 shares of \$100 each.

3. Section 36 of the said Act is hereby amended by substituting therein for the words "two million dollars," the words following "\$40,000 per mile for each mile of the said railway constructed, or under contract to be constructed." 47 V., c. 75, s. 36, amended.

4. The said company is hereby authorized to extend its line of railway from a point at or near the city of Hamilton to a point in the county of Brant in or near the city of Brantford, or to a point connecting with the line of the Brantford, Waterloo and Lake Erie Company. Extension of line.

5. Section 2 of the said Act passed in the 47th year of Her Majesty reign, is hereby amended by inserting after the words "on the Niagara river," the words "or to a point at or near the town of Welland, in the county of Welland."

6. The terms and conditions contained in any by-law passed by the city of Hamilton whereby a subsidy or bonus is granted to the said company, shall be binding on the said company on its accepting such subsidy, and in the event of the road built by the company, and described in such by-law, coming under the control of the Grand Trunk Railway Company, the

Canadian Pacific Railway Company, the Ontario and Quebec Railway Company or the South Ontario Pacific Railway Company, or being operated as part of, or in alliance with any of such railways or ceasing to be operated in connection with the Michigan Central or Canada Southern Railways, the grant or subsidy made by such by-law shall be repaid to the corporation of the city of Hamilton, with interest, and the amount thereof shall form a first lien and charge upon the said railway. § 1





4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the Toronto, Hamilton  
and Buffalo Railway Company.

First Reading, 25th February, 1890.

*(Reported as amended by Railway  
Committee.)*

(Private Bill)

MR. HARGREAVES.

## An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

**WHEREAS** the Toronto, Hamilton and Buffalo Railway Company have petitioned for an Act making certain amendments to their Act of incorporation, and the Act amending the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of the Act passed in the 47th year of Her Majesty's reign, chaptered 75, and entitled *An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company*, is repealed and the following substituted therefor: 47 V. c. 75, s. 52, repealed.

52.—(1) The said railway company may make a lease or transfer of its road to the Michigan Central Railway Company, or the Canada Southern Railway Company, or may make other traffic arrangements with either of those companies. Agreements with Michigan Central and Canada Southern Railway company.

(2) The said company shall not amalgamate with, or lease or sell to, or make pooling arrangements with, either the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company, or any company acting for or in the interest of either of those railway companies, or permit its lines of railway or any part thereof to come under the control of either of those companies, or of any company, person or persons acting for or in the interest of either of said railway companies. Company not to permit road to come under control of certain companies.



2. The capital of the said company shall be \$2,000,000, divided into 20,000 shares of \$100 each. Capital.

3. Section 36 of the said Act is amended by substituting therein for the words "two million dollars," the words following "\$40,000 per mile for each mile of the said railway constructed, or under contract to be constructed." 47 V., c. 75, s. 36, amended.

4. The said company is hereby authorized to extend its line of railway from a point at or near the city of Hamilton to a point in the county of Brant in or near the city of Brantford, or to a point connecting with the line of the Brantford, Waterloo and Lake Erie Railway Company. Extension of line.

5. Section 2 of the said Act passed in the 47th year of Her Majesty's reign, is hereby amended by inserting after the words "on the Niagara river," the words "or to a point at or near the town of Welland, in the county of Welland." 47 V. c. 75, s. 2 amended.

Conditions of  
bonus from  
city of Hamil-  
ton.

 6. If the proposed by-law of the city of Hamilton for granting a bonus of \$275,000 in aid of the Toronto, Hamilton and Buffalo Railway Company, which was published under the direction of the municipal council of the said city on the 5th day of March, 1890, shall receive the assent of the electors of said municipality, and shall be finally passed by the said municipal council, the said by-law and all the conditions contained therein shall be binding on the said company and all who may claim under them, and in the event of the lines proposed to be built by the said company from Hamilton to Welland, and from Hamilton to Toronto, or the connecting line from Hamilton through Brantford to Waterford mentioned in said by-law, or any part of said lines, coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of, or in alliance with, any of said systems, or ceasing to be operated in connection with the Michigan Central system, the grant made by the said by-law to the said Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge upon the Toronto, Hamilton and Buffalo Railway. 



No. 101.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the Toronto, Hamilton  
and Buffalo Railway Company

First Reading, 25th February, 1890.  
Second " 17th March, 1890.

*(Reprinted as amended by Committee of  
the Whole House.)*

(Private Bill.)

MR. MARCURE.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W



No. 102.]

## BILL.

[1890.

### An Act for the appointment of new Trustees of the Settlement of William Chaplin.

**W**HEREAS William Chaplin and Harriet Chaplin his wife <sup>Preamble.</sup> have by their petition represented that prior to the second day of July, 1869, William Chaplin was seized in fee simple in possession of certain real estate, viz. : part of the north half of lot number eighteen in the third concession from the Bay in the township of York and County of York, and known as lot number ten, as laid down on a plan of said lot made by Messrs. Wadsworth and Unwin, P.L.S., and registered in the registry office for the county of York as number 284 and also part of lot number twenty-one in the third concession from the Bay in said township of York and known as lots numbers, five, eight, nine, ten and eleven, as laid down on a plan of part of said lot (that part belonging to the estate of the late E. W. Thompson, Esquire) made by Messrs. Wadsworth and Unwin, P. L. S., and registered as number 288, and by indenture which is dated on the second day of July, 1869, and registered in the registry office for the county of York on the third day of July, 1869, as number 850, conveyed the said real estate to John Dew of the township of York, in the county of York, Esquire, and his heirs upon trust, and to and for the uses, intents and purposes hereinafter declared, that is to say, for and during the natural life of the said William Chaplin, to have and receive the rents, issues and profits of the said premises and pay the same to him the said William Chaplin, but free and clear of and in no manner subject to the debts of the said William Chaplin, and from and after the death of the said William Chaplin, his wife the said Harriet Chaplin him surviving, to apply the rents, issues and profits of the said lands to and for the use, benefit and behoof of the said Harriet Chaplin or of his wife and children, or of his wife or any one or more of his children during the life of the wife of the said William Chaplin in such manner and proportion as the said William Chaplin should by his last will and testament executed in a manner to pass real estate direct and appoint, and from and after the death of the said Harriet Chaplin to have and to hold the said lands to the use of any child or children of the said William Chaplin for such estate or estates and in such manner and proportion as the said William Chaplin should by his last will and testament, or any instrument under his hand and seal direct and appoint, and in case the said William Chaplin should fail to make such direction and appointment, then upon trust to convey and assure the said lands to and among the children of the said William Chaplin, their heirs and assigns as tenants in common or in separate and apportioned equal shares as to the said trustee shall seem just

and most expedient, and in case of the death of any such child or children before the said conveyance and division without issue then upon trust, to divide the share of the child so dying between the surviving child or children share and share alike; and in case of the death of all the children before the execution of the conveyances and division or divisions of the said property among them without issue, then in trust to convey the said lands to the proper heirs of the said William Chaplin, their heirs and assigns: that the said John Dew departed this life on or about the third day of November, A.D. 1879; that there is no power contained in said indenture of settlement for the appointment of new trustees, nor is there any power in said indenture for the trustees to sell or lease the said real estate or any part thereof, and the same were left out of said indenture of settlement by inadvertence, that the said William Chaplin and Harriet Chaplin are desirous of having William John Chaplin and James Dew Chaplin appointed as successors in trust to said late John Dew: that the said lands have greatly increased in value since the date of said settlement, and it would be of considerable advantage to said trust estate if a sale of the same were effected and power given to the trustees to invest the proceeds thereof in other suitable securities: and the said petitioners have prayed that the real estate now subject to the trusts of the said indenture of settlement may be vested in the said William John Chaplin and James Dew Chaplin with power to the said William John Chaplin and James Dew Chaplin to sell the said lands and reinvest the proceeds of the sale of the same from time to time, subject to the approval and consent of said petitioners, and the said original trust estate or as converted to hold upon the trusts of the said deed, save and except as the same are hereinafter modified or changed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands vested  
in new  
trustees.

1. The said real estate now subject to the trusts of the said indenture shall be and the same is hereby vested in the said William John Chaplin and James Dew Chaplin and their heirs, executors and administrators as joint tenants for all the estate, right and title therein which would now be vested in the said John Dew if he were now living.

New trustees author-  
ized to sell  
lands.

2. The said William John Chaplin and James Dew Chaplin and the survivor of them, and the executors and administrators of such survivor or other the trustee or trustees for the time being of the said settlement shall have full power to sell, convey and dispose of the said real estate for the whole or any lesser estate, right, title or interest at law or in equity therein, and the proceeds of such sales to invest on securities as hereinafter provided, and the same to sell from time to time and reinvest: Provided, however, that no sale shall be made during the lifetime of the said William Chaplin and Harriet Chaplin without their consent in writing thereto, nor in the event of the death of either of them without the consent in writing of the survivor.

Provido.

3. Any person or persons who are trustee or trustees for the Terms of sale. time being may at any time have authority to sell or convey or lease, until the death of the survivor of the said William Chaplin and his said wife with the consent aforesaid, and subsequently as he or they may think fit, may sell at public auction or by private contract for cash, or on credit with security for payment by reconveyance by way of mortgage or other security, and the purchase money to receive and discharges therefor give, and any one buying shall not be bound to see to the application of the purchase money, and any sale may be upon, with and subject to any stipulations and conditions as such trustee or trustees may think fit, and if it shall so happen that by reason of any determination or forfeiture of any contract of sale or of any mortgage such trustee or trustees may take as security, the same may be resold with any and under any of the powers herein contained which shall be existing.

4. The Chancery Division of the High Court of Justice or Chancery Division may appoint new trustees. any Judge thereof, may from time to time appoint any person or persons to exercise all or any of the powers or directions by this Act given or conferred, or in said deed contained, either solely or jointly with the said William John Chaplin and James Dew Chaplin, or with either of them, or with the trustee or trustees for the time being of the said settlement and may cancel from time to time such appointment and appoint another or others in the stead of any whose appointment may be cancelled, and upon any such appointment as aforesaid the estate in the aforesaid lands or securities shall vest in the person or persons so appointed jointly with the said William John Chaplin and James Dew Chaplin, or the trustee or trustees for the time being, and on any cancellation of such appointment shall revert without the execution of any conveyance, transfer or other instrument.

5. All moneys received as proceeds of sales or rentals Investment of proceeds of sales. received after the death of said William Chaplin, or otherwise shall, after deducting all necessary and incidental expenses towards the execution of any of the powers or directions by this Act, or by the said indenture of settlement given or conferred, or on directions that may be required or granted by the court, shall be invested in ~~the~~ such securities as trustees, executors and administrators may lawfully invest trust funds in under the provision of the *Act respecting Trustees, Executors and the Administrators of Estates.*

6. The said trustees at the death of said William Chaplin shall, unless otherwise directed by the last will and testament of the said William Chaplin, sell the said properties, if not Disposition of estate on death of William Chaplin. before sold, and from the proceeds of such sale shall invest in securities, or from the securities then held by them retain and invest in securities ~~the~~ authorized as in section five provided and ~~the~~ satisfactory to the said Harriet Chaplin if she be then living as well as to themselves the sum of \$10,000 to be held by them in trust to pay the interest or increment therefrom quarterly or half-yearly to the said Harriet Chaplin during her lifetime, and on her death divide the same as directed by the last will and testament of the said William Chaplin, or in default of

appointment or direction by the said William Chaplin in his last will and testament, to divide the said sum of \$10,000 amongst the children of the said William Chaplin and their issue share and share alike, the issue of any dead child or children to represent his, her or their parent.

Disposal of  
residue of  
trust pro-  
perty.

7. The remaining or surplus property of the said trust held by the said trustees at the time of the death of the said William Chaplin, *shall* in the event of his dying intestate or in default of appointment, be divided amongst the surviving children of the said William Chaplin and the issue of any one or more of them who may have predeceased the said William Chaplin share and share alike, the issue of any deceased child to represent such child, and to divide her or his share amongst them share and share alike.

Division in  
case Harriet  
Chaplin  
should pre-  
decease  
settlor.

8. In the event of the death of said Harriet Chaplin prior to said William Chaplin, the said trustees shall divide the whole of the said trust estate in manner as provided in section 7 hereof.

Clauses of  
deed not re-  
pugnant to act  
not affected.

9. All the clauses in said trust deed contained shall remain in full force and effect except in so far as the same are *incon- sistent with or* repugnant to this Act.





BILL.

An Act for the appointment of new Trustees  
of the settlement of William Chaplin.

First Reading, 28th February, 1890.

(*Reprinted as amended by Private Bills  
Committee.*)

(Private Bill.)

MR. LEYS.

TORONTO:

PRINTED BY WATKINS & SONS, 68 and 70 Front St. W.

An Act for the appointment of new Trustees of the  
Settlement of William Chaplin.

**W**HEREAS William Chaplin and Harriet Chaplin his wife, Preamble.  
have by their petition represented that prior to the  
second day of July, 1869, William Chaplin was seized in fee  
simple in possession of certain real estate, viz : part of the  
5 north half of lot number eighteen in the third concession from  
the Bay in the township of York and County of York, and  
known as lot number ten, as laid down on a plan of said lot  
made by Messrs. Wadsworth and Unwin, P.L.S., and registered  
in the registry office for the county of York as number 284  
10 and also part of lot number twenty-one in the third concession  
from the Bay in said township of York and known as lots  
numbers, five, eight, nine, ten and eleven, as laid down on a plan  
of part of said lot (that part belonging to the estate of the late  
E. W. Thompson, Esquire) made by Messrs. Wadsworth and  
15 Unwin, P. L. S., and registered as number 288, and by  
indenture which is dated on the second day of July, 1869, and  
registered in the registry office for the county of York on the  
third day of July, 1869, as number 850, conveyed the said real  
estate to John Dew of the township of York, in the county of  
20 York, Esquire, and his heirs upon trust, and to and for the  
uses, intents and purposes hereinafter declared, that is to say,  
for and during the natural life of the said William Chaplin, to  
have and receive the rents, issues and profits of the said  
premises and pay the same to him the said William Chaplin,  
52 but free and clear of and in no manner subject to the debts of  
the said William Chaplin, and from and after the death of the  
said William Chaplin, his wife the said Harriet Chaplin him sur-  
viving, to apply the rents, issues and profits of the said lands  
to and for the use, benefit and behoof of the said Harriet  
30 Chaplin or of his wife and children, or of his wife or any one  
or more of his children during the life of the wife of the said  
William Chaplin in such manner and proportion as the said  
William Chaplin should by his last will and testament exe-  
cuted in a manner to pass real estate direct and appoint, and  
35 from and after the death of the said Harriet Chaplin to have  
and to hold the said lands to the use of any child or children  
of the said William Chaplin for such estate or estates and in  
such manner and proportion as the said William Chaplin  
should by his last will and testament, or any instrument under  
40 his hand and seal direct and appoint, and in case the said Wil-  
liam Chaplin should fail to make such direction and appoint-  
ment, then upon trust to convey and assure the said lands to  
and among the children of the said William Chaplin, their  
heirs and assigns as tenants in common or in separate and  
45 apportioned equal shares as to the said trustee shall seem just

and most expedient, and in case of the death of any such child or children before the said conveyance and division without issue then upon trust, to divide the share of the child so dying between the surviving child or children share and share alike; and in case of the death of all the children before the execution of the conveyances and division or divisions of the said property among them without issue, then in trust to convey the said lands to the proper heirs of the said William Chaplin, their heirs and assigns: that the said John Dew departed this life on or about the third day of November, A.D. 1879; that there is no power contained in said indenture of settlement for the appointment of new trustees, nor is there any power in said indenture for the trustees to sell or lease the said real estate or any part thereof, and the same were left out of said indenture of settlement by inadvertence, that the said William Chaplin and Harriet Chaplin are desirous of having William John Chaplin and James Dew Chaplin appointed as successors in trust to said late John Dew: that the said lands have greatly increased in value since the date of said settlement, and it would be of considerable advantage to said trust estate if a sale of the same were effected and power given to the trustees to invest the proceeds thereof in other suitable securities: and the said petitioners have prayed that the real estate now subject to the trusts of the said indenture of settlement may be vested in the said William John Chaplin and James Dew Chaplin with power to the said William John Chaplin and James Dew Chaplin to sell the said lands and reinvest the proceeds of the sale of the same from time to time, subject to the approval and consent of said petitioners, and the said original trust estate or as converted to hold upon the trusts of the said deed, save and except as the same are hereinafter modified or changed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands vested  
in new  
trustees.

1. The said real estate now subject to the trusts of the said indenture shall be and the same is hereby vested in the said William John Chaplin and James Dew Chaplin and their heirs, executors and administrators as joint tenants for all the estate, right and title therein which would now be vested in the said John Dew if he were now living.

New trustees authorized to sell lands.

2. The said William John Chaplin and James Dew Chaplin and the survivor of them, and the executors and administrators of such survivor or other the trustee or trustees for the time being of the said settlement shall have full power to sell, convey and dispose of the said real estate for the whole or any lesser estate, right, title or interest at law or in equity therein, and the proceeds of such sales to invest on securities as hereinafter provided, and the same to sell from time to time and reinvest: Provided, however, that no sale shall be made during the lifetime of the said William Chaplin and Harriet Chaplin without their consent in writing thereto, nor in the event of the death of either of them without the consent in writing of the survivor.

Proviso.

3. Any person or persons who as trustee or trustees for the Terms of sale.  
time being may at any time have authority to sell or convey or  
lease, until the death of the survivor of the said William Chap-  
lin and his said wife with the consent aforesaid, and subse-  
5 quently as he or they may think fit, may sell at public auction  
or by private contract for cash, or on credit with security for  
payment by reconveyance by way of mortgage or other secur-  
ity, and the purchase money to receive and discharges therefor  
give, and any one buying shall not be bound to see to the appli-  
10 cation of the purchase money, and any sale may be upon, with  
and subject to any stipulations and conditions as such trustee  
or trustees may think fit, and if it shall so happen that by  
reason of any determination or forfeiture of any contract of  
sale or of any mortgage such trustee or trustees may take as  
15 security, the same may be resold with any and under any of  
the powers herein contained which shall be existing.

4. The Chancery Division of the High Court of Justice or Chancery  
Division may  
appoint new  
trustees.  
any Judge thereof, may from time to time appoint any person  
or persons to exercise all or any of the powers or directions by  
20 this Act given or conferred, or in said deed contained, either  
solely or jointly with the said William John Chaplin and  
James Dew Chaplin, or with either of them, or with the trust-  
ee or trustees for the time being of the said settlement and  
may cancel from time to time such appointment and appoint  
25 another or others in the stead of any whose appointment may  
be cancelled, and upon any such appointment as aforesaid the  
estate in the aforesaid lands or securities shall vest in the  
person or persons so appointed jointly with the said William  
John Chaplin and James Dew Chaplin, or the trustee or trust-  
30 tees for the time being, and on any cancellation of such  
appointment shall revert without the execution of any con-  
veyance, transfer or other instrument.

5. All moneys received as proceeds of sales or rentals Investment  
of proceeds of  
sales.  
received after the death of said William Chaplin, or other-  
35 wise shall, after deducting all necessary and incidental  
expenses towards the execution of any of the powers or direc-  
tions by this Act, or by the said indenture of settlement given  
or conferred, or on directions that may be required or granted  
by the court, shall be laid out and invested in or upon real  
40 securities in the Province of Ontario, the debentures of any  
municipality in the said Province, or in bonds or stocks, or on  
deposit with any investment company in said Province formed  
chiefly for the purpose of investing in real estate, or with any  
chartered bank in the said Province.

45 6. The said trustees at the death of said William Chaplin Disposition of  
estate on  
death of Wil-  
liam Chaplin.  
shall, unless otherwise directed by the last will and testament  
of the said William Chaplin, sell the said properties, if not  
before sold, and from the proceeds of such sale shall invest in  
securities, or from the securities then held by them retain and  
50 invest in securities satisfactory to the said Harriet  
Chaplin if she be then living as well as to them-  
selves the sum of \$10,000 to be held by them in trust  
to pay the interest or increment therefrom quarterly or  
half-yearly to the said Harriet Chaplin during her lifetime,  
55 and on her death divide the same as directed by the last will  
and testament of the said William Chaplin, or in default of



appointment or direction by the said William Chaplin in his last will and testament, to divide the said sum of \$10,000 amongst the children of the said William Chaplin and their issue share and share alike, the issue of any dead child or children to represent his, her or their parent.

5

Disposal of  
residue of  
trust prop-  
erty.

7. The remaining or surplus property of the said trust held by the said trustees at the time of the death of the said William Chaplin, and in the event of his dying intestate or in default of appointment, shall be divided amongst the surviving children of the said William Chaplin and the issue of any one 10 or more of them who may have predeceased the said William Chaplin share and share alike, the issue of any deceased child to represent such child, and to divide her or his share amongst them share and share alike.

Division in  
case Harriet  
Chaplin  
should pre-  
cede use  
settlor.

8. In the event of the death of said Harriet Chaplin prior to 15 said William Chaplin, the said trustees shall divide the whole of the said trust estate in manner as provided in section 7 hereof.

Clauses of  
deed not re-  
pugnant to act  
not affected.

9. All the clauses in said trust deed contained shall remain 20 in full force and effect except in so far as the same are antagonistic or repugnant to this Act.





No. 102.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act for the appointment of new Trustees  
of the settlement of William Chaplin.

First Reading, 28th February, 1890.

(Private Bill.)

MR. LEYS.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting the Town of Walkerton.

WHEREAS the municipal corporation of the town of Walkerton, by their petition, have represented that

Preamble.

they have incurred debts and liabilities for the purpose of granting bonuses to manufacturers, for public improvements, for erecting school buildings, for purchasing grounds for agricultural exhibitions and for other purposes, in all to the extent of \$51,800; that debentures for the above amount have, from time to time, been issued under the authority of various by-laws, each of which has made provision for the levying of an annual rate for the payment of said debentures thereby authorized, which rate has hitherto been levied in every year as required by said by-laws, and that the treasurer of said corporation now holds, as trustee for said corporation, sinking funds to the amount of \$19,804.41 to meet such debentures; and that it has been found impossible to invest such sinking funds advantageously, and said corporation has sustained loss by reason of same remaining uninvested; that debentures to the amount of \$3,500, issued under some of said by-laws, will mature in the year 1891, and other debentures similarly issued, to the amount of \$2,700, will mature in the year 1892, and the other debentures referred to mature at various dates during the years 1897, 1900, 1901, 1902, 1903 and 1908; and that by reason of the irregular arrangement and the short dates of the respective times at which said several debentures are made redeemable, the rates required for such redemption in the future will be oppressive; and that the corporation of said town is without any effective fire protection, and on account of the oppressive rates required for the redemption of such debentures it is impossible to incur further liability for such purpose; and that a large portion of such indebtedness was incurred for public improvements, erecting school houses and purposes, the benefits of which will be felt long after the said debentures will have matured and become payable, for which reasons and upon other grounds, it has been deemed advisable, by the council of said municipality, to have the said debenture debt consolidated and the whole made payable as hereinafter provided; and whereas said corporation have prayed that the balance of said debt may be consolidated, and that they may be authorized to issue debentures for the purpose of discharging the balance of such indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the town of Walkerton are hereby consolidated at the sum of \$32,700, and it shall be lawful for

Debts consolidated at \$32,700.

the corporation of the said town of Walkerton to raise, by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said debentures, not exceeding in the whole the said sum of \$32,700, exclusive of interest thereon. 5

Issue of  
debentures  
authorized.

2. It shall be lawful for the said corporation of the town of Walkerton, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer 10 for the time being, in such sums not exceeding \$32,700 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable either in this Province or Great Britain or elsewhere, and may be expressed 15 in sterling money of Great Britain or currency of Canada, as the corporation may deem expedient.

Power to  
borrow on  
debentures.

3. The corporation of said town may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or 20 elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Term of de-  
bentures.

4. The said debentures shall be payable in not more than thirty years from the issue thereof as the said corporation may direct. Coupons shall be attached to the said debentures for 25 the payment of the interest thereon, and such interest shall be payable half-yearly on the first days of the months of January and July in each and every year, at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five 30 per cent. per annum.

Payment of  
debentures  
and interest.

5. A portion of the \$32,700 of debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the day of 1890, and so that the aggregate amount payable for principal and 35 interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. It shall be lawful for the said corporation to levy, in 40 addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or 45 to provide any sinking fund to retire the said debentures or any of them.

Application of  
proceeds of  
debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the town of Walkerton to the amount of 50 \$32,700, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Power to call in debentures.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-law not to be repealed till debt paid.

10. It shall not be necessary to obtain the assent of the electors of the said town of Walkerton to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors to by-law not required.  
Rev. Stat. c. 184.

11. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

Treasurer to keep books showing state of debenture account.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Walkerton from any indebtedness or liability, which may not be included in the said debt of the said town of Walkerton.

Claims against corporation not affected.

13. The debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule "B" to this Act.

Form of debentures and by-law.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action

Inconsistent provisions not to apply.



Irregularities  
in form not to  
invalidate  
debentures.

brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof. 5

Short title.

**15.** This Act may be cited as "*The Walkerton Debenture Act, 1890.*"

## SCHEDULE "A."

(Section 13.)

No.

\$

CONSOLIDATED DEBT DEBENTURE, PROVINCE OF ONTARIO,  
TOWN OF WALKERTON.

Under and by virtue of *The Walkerton Debenture Act 1890*, and by virtue of by-law No.        of the corporation of the town of Walkerton, passed under the provisions contained in the said Act, the corporation of the town of Walkerton promise, to pay to the bearer at the Merchants' Bank of Canada, in the town of Walkerton, the sum of        on the day of        one thousand eight hundred and        and the yearly coupons hereto attached as the same shall severally become due.

Dated at Walkerton, in the county of Bruce, this        day  
of        A.D.

[L. S.]

Mayor.

Treasurer.

## SCHEDULE "B."

(Section 14.)

By-law No.        to authorize the issue of debentures under the authority of *The Walkerton Debenture Act, 1890.*

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of \$        in the whole, as the corporation of the town of Walkerton may, in pursuance of, and in conformity with, the provisions of the said Act, direct; and whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$        payable on the        day of        and on the        day of        (or, as the case may be) with interest thereon, at the rate of        per cent. per annum, payable half-yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable pro-

perty of the said town of Walkerton, according to the revised assessment roll of said town, being for the year one thousand eight hundred and                      was \$                      .

Therefore the municipal council of the corporation of the town of Walkerton, enacts as follows:—

1. That debentures under the said Act, and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$                      are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of                      per cent. per annum, payable half-yearly on the first days of                      in each year.

This by-law passed in open council this                      day of                      in the year of our Lord one thousand eight hundred and                      .

BILL.

An Act respecting the Town of Walkerton.

First Reading	1890.
---------------	-------

(Private Bill.)

MR. O'CONNOR.

## An Act respecting the Town of Walkerton.

**W**HEREAS the municipal corporation of the town of Walkerton, by their petition, have represented that they have incurred debts and liabilities for the purpose of granting bonuses to manufacturers, for public improvements, for erecting school buildings, for purchasing grounds for agricultural exhibitions and for other purposes, in all to the extent of \$51,800; that debentures for the above amount have, from time to time, been issued under the authority of various by-laws, each of which has made provision for the levying of an annual rate for the payment of said debentures thereby authorized, which rate has hitherto been levied in every year as required by said by-laws, and that the treasurer of said corporation now holds, as trustee for said corporation, sinking funds to the amount of \$19,804.41 to meet such debentures; and that it has been found impossible to invest such sinking funds advantageously, and said corporation has sustained loss by reason of same remaining uninvested; that debentures to the amount of \$3,500, issued under some of said by-laws, will mature in the year 1891, and other debentures similarly issued, to the amount of \$2,700, will mature in the year 1892, and the other debentures referred to mature at various dates during the years 1897, 1900, 1901, 1902, 1903 and 1908; and that by reason of the irregular arrangement and the short dates of the respective times at which said several debentures are made redeemable, the rates required for such redemption in the future will be oppressive; and that the corporation of said town is without any effective fire protection, and on account of the oppressive rates required for the redemption of such debentures it is impossible to incur further liability for such purpose; and that a large portion of such indebtedness was incurred for public improvements, erecting school houses and purposes, the benefits of which will be felt long after the said debentures will have matured and become payable, for which reasons and upon other grounds, it has been deemed advisable, by the council of said municipality, to have the said debenture debt consolidated and the whole made payable as hereinafter provided; and whereas said corporation have prayed that the balance of said debt may be consolidated, and that they may be authorized to issue debentures for the purpose of discharging the balance of such indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the town of Walkerton are hereby consolidated at the sum of \$34,000, and it shall be lawful for Debts consolidated at the sum of \$34,000, and it shall be lawful for dated at \$32,700.

the corporation of the said town of Walkerton to raise, by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire the said debentures, not exceeding in the whole the said sum of \$34,000, exclusive of interest thereon.

Issue of  
debentures  
authorized.

2. It shall be lawful for the said corporation of the town of Walkerton, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not exceeding \$34,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable either in this Province or Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the corporation may deem expedient.

Power to  
borrow on  
debentures.

3. The corporation of said town may, for the purpose in section 7 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Term of de-  
bentures.

4. A portion of the \$34,000 of debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the 1st day of April, 1890, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Payment of  
debentures  
and interest.

5. It shall be lawful for the said corporation to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.


Debentures  
may be issued  
payable in  
twenty years.

6.—(1) In lieu of the debentures authorized to be issued by sections 4 and 5 hereof, debentures may be issued payable in not more than twenty years from the date thereof, as the said corporation may direct, with coupons attached to the said debentures for the payment of interest thereon, and such interest shall be payable half yearly on the first day of the months of January and July in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Sinking fund.

(2) For the payment of the principal of the said debentures to be issued under this section (if so issued) the council of the said corporation shall impose a special rate annually (over and above and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures), which shall form a sinking fund sufficien





with the estimated interest on the investment thereof to discharge the debt when payable. 



7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the town of Walkerton to the amount of \$34,000, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures." Application of proceeds of debentures.

8. The treasurer of the said town shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures, or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures. Power to call in debentures.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-law not to be repealed till debt paid.

 10. In case the debentures hereinbefore authorized are issued under sections 4 and 5 it shall not be necessary for the council of the said corporation to enforce the collection of the sinking fund or amounts required to be levied for principal money to pay the said outstanding debentures.  When sinking fund may not be provided.

11. It shall not be necessary to obtain the assent of the electors of the said town of Walkerton to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*. Assent of electors to by-law not required.  
Rev. Stat. c. 184.

12. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts,  and also the investments made from time to time of the sinking fund (if any),  and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures. Treasurer to keep books showing state of debenture account.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Walkerton from Claims against corporation not affected.

any indebtedness or liability, which may not be included in the said debt of the said town of Walkerton.

Form of debentures and by-law.

14. The debentures issued under this or in pursuance of section 4 of this Act may be in the form contained in schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule "B" to this Act.

Inconsistent provisions not to apply.

15. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Irregularities in form not to invalidate debentures.

Short title.

16. This Act may be cited as "*The Walkerton Debenture Act, 1890.*"

## SCHEDULE "A."

(Section 3.)

No.

\$

### CONSOLIDATED DEBT DEBENTURE, PROVINCE OF ONTARIO, TOWN OF WALKERTON.

Under and by virtue of *The Walkerton Debenture Act 1890*, and by virtue of by-law No.        of the corporation of the town of Walkerton, passed under the provisions contained in the said Act, the corporation of the town of Walkerton promise to pay to the bearer at the Merchants' Bank of Canada, in the town of Walkerton, the sum of        on the        day of        one thousand eight hundred and        and the yearly coupons hereto attached as the same shall severally become due.

Dated at Walkerton, in the county of Bruce, this        day  
of        A.D.

[L. S.]

Mayor.

Treasurer.

## SCHEDULE "B."

(Section 14.)

By-law No.           to authorize the issue of debentures under the authority of *The Walkerton Debenture Act, 1890.*

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," not exceeding the sum of \$           in the whole, as the corporation of the town of Walkerton may, in pursuance of, and in conformity with, the provisions of the said Act, direct; and whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$           payable on the           day of           and on the           day of           (or, as the case may be) with interest thereon, at the rate of           per cent. per annum, payable half-yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole ratable pro-

perty of the said town of Walkerton, according to the revised assessment roll of said town, being for the year one thousand eight hundred and           was \$           .

Therefore the municipal council of the corporation of the town of Walkerton, enacts as follows:—

1. That debentures under the said Act, and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures," to the extent of the sum of \$           are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of           per cent. per annum, payable half-yearly on the first days of           in each year.

This by-law passed in open council this           day of           in the year of our Lord one thousand eight hundred and           .

4th Session, 6th Legislature, 53 Vic, 1890

BILL.

An Act respecting the Town of Walkerton.

First Reading, 25th February, 1890.

*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. O'CONNOR.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to incorporate the Toronto Transfer and  
Warehousing Company.

**W**HEREAS it would be of great public convenience and Preamble.  
service that a warehousing company should be incor-  
porated with power to construct a line of railway from the  
crossing of the Canadian Pacific Railway and the Grand  
5 Trunk Railway tracks at or near Parliament street, or wher-  
ever said crossing may be in the city of Toronto, then easterly  
crossing the Don south of the Grand Trunk Railway bridge,  
along the north shore of Ashbridge's Bay and lake Ontario, to  
the westerly limit of Victoria Park, and also from a point on  
10 said proposed line of railway west of Kew Beach and extend-  
ing westerly along the arm of land which bounds Ashbridge's  
Bay on the south to the extreme westerly point of said arm,  
and also from said extreme westerly point to extend northerly  
to meet the first above-mentioned line, at a point east of its  
15 crossing over the Don, with power to construct swing bridges  
over the River Don and Coatsworth's Cut, and any other chan-  
nel or cut which may hereafter be made or constructed, and  
also to construct any line or lines of railway to connect with  
the present and any other systems of railway entering the city  
20 of Toronto, and to connect with any Union Station which may  
hereafter be built in the said city, and to erect warehouses along  
said railway for the storage of goods, wares and merchandise,  
and to carry on a general warehousing business ; and whereas  
William Hamilton Merritt, Charles H. Keefer, Frank A. Fleming,  
25 Coote N. Shanly, George F. Harman, Thomas Reid and Ed-  
ward William James Owens have petitioned that an Act may  
be passed authorizing the construction of such railway ; and  
whereas it is expedient to grant the prayer of the said  
petition ;  
30 Therefore her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. William Hamilton Merritt, Charles H. Keefer, Frank A. Toronto  
Fleming, Coote N. Shanly, George F. Harman, Thomas Reid Transfer and  
35 and Edward William James Owens, with such other persons Warehousing  
and corporations as shall, in pursuance of this Act, become Company in-  
shareholders in the company hereby incorporated, shall be and corporated.  
are hereby constituted a body corporate and politic by and  
under the name of "The Toronto Transfer and Warehousing  
40 Company."

2. The said company shall have full power and authority Location of  
under this Act to construct a railway from some point in the railway line.  
city of Toronto, where the Canadian Pacific Railway and the  
Grand Trunk Railway cross at or near Parliament street, or



wherever said crossing may be in the said city of Toronto, then easterly, crossing the Don south of the Grand Trunk Railway bridge, along the north shore of Ashbridge's Bay and Lake Ontario, to the westerly limit of Victoria Park, and also from a point on said proposed line of railway west of Kew Beach, and extending westerly along the arm of land which bounds Ashbridge's Bay on the south to the extreme westerly point of said arm, and also from said extreme westerly point to extend northerly to meet the first above-mentioned line at a point east of its crossing over the Don, with power to construct swing bridges over the River Don and Coatsworth's Cut and any other channel or cut which may hereafter be made or constructed, and also to construct any line or lines of railway to connect with the present and any other systems of railway entering the city of Toronto, and to connect with any Union Station which may hereafter be built in said city, and to erect warehouses along said railway for the storage of goods, wares and merchandise, and to carry on a general warehousing business.

**Gauge.**           **3.** The gauge of the said railway shall be four feet eight and one-half inches, and it shall be lawful for the company to make, lay, or maintain a single or double track on the course of its route.

**Provisional directors.**           **4.** The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

**Powers of provisional directors.**           **5.** The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the carrying out of such undertaking; and all meetings of the provisional board of directors shall be held at the city of Toronto, or at such other place as may best suit the interest of the said company.

6. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule "A" to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Form of conveyance of lands.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, or unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions for stock, when binding on company.

8. The said company may receive from any government or from any persons or bodies corporate, municipal or political who may have power to make or grant the same, bonuses, loans or gifts of money or securities for money in aid of the construction, equipment or maintenance of the said railway, upon such terms and conditions as may be agreed upon.

Aid to company.

9. The capital stock of the company hereby incorporated shall be \$350,000, with power to increase the same, as provided by *The Railway Act of Ontario*, to be divided into 3,500 shares of \$100 each, and shall be raised by the persons or corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied in the equipping, making, completing and maintaining of the said railway, and to the erection of warehouses, and to the other purposes of this Act.

Capital stock.

Rev. Stat. c. 170.

10. When and as soon as shares to the amount of \$25,000 in the capital stock of the said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom, unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertising in the *Ontario Gazette* and in one or more newspapers published in the city of Toronto, in the county of York.

First general meeting.

11. At such general meeting the shareholders present who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect not less than five and not more than seven persons, as hereinafter mentioned, to be directors of the said company, and may also pass such rules,

Election of directors.

Rev. Stat.  
c. 170.

regulations and by-laws as may be deemed expedient, provided that they be not inconsistent with this Act and *The Railway Act of Ontario*.

Qualification  
of directors.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least two shares of stock in the said company, and unless he has paid up all calls thereon. 5

Calls.

**13.** Directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and one month's notice shall be given of each call. 10

Certain pay-  
ments may be  
made in stock  
or bonds.

**14.** The provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. 15 20

General  
annual meet-  
ing.

**15.** Thereafter the general annual meeting of shareholders of said company shall be held in such place in the city of Toronto, or in such other place and on such days and such hours as may be directed by the by-laws of the company, and public notice thereof shall be given one week previously in the *Ontario Gazette* and once a week in one daily newspaper published in the City of Toronto during the four weeks preceding the week in which such meeting is to be held. 25 30

Special gen-  
eral meeting.

**16.** Special general meetings of shareholders of said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, and upon such notice as is required in the last preceding section. 35

Rights of  
aliens.

**17.** Aliens and companies incorporated abroad, as well as British subjects, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. 40

Quorum of  
directors.

**18.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders a majority of the directors shall form a quorum for the trans- 45  
action of business.

Company may  
become parties  
to notes.

**19.** The Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice- 50  
president of the company and counter-signed by the secretary



of the said company and under the authority of a quorum of the directors shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown ; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory note or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted ; provided however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Proviso.

20. It shall be lawful for the company to enter into any agreement with any other railway company, if lawfully empowered to enter into such agreement for leasing or selling to them the said railway or property of the corporation or any part thereof, and it shall further be lawful for the company to enter into any agreements with the said companies or either of them if so lawfully authorized, for the working of the said railway, or for running power over the same, on such terms and conditions as the directors of the several companies may agree on, or for leasing and hiring from such other contracting company or companies, any portion of their railway or the use thereof, and generally to make any agreement or agreements with the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by one company or the other, and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the company or companies leasing or entering into such agreement for using the said line, may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable all the rights, powers, privileges and franchises by this Act conferred ; provided that every such sale, lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present, in person or by proxy at such meeting. Agreements with other companies.  
Proviso.

21. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes, connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. Grants of land.

22. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case by Power to purchase whole lots.

purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. 5

Rev. Stat.  
c. 170.

Acquiring  
gravel, etc.,  
for construc-  
tion and  
maintenance  
of railway.

**23.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof the company may in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway and the notice of arbitration, the award and tender of the compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required. 10 15 20 25

Sidings to  
gravel pits.

**24.** When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. 30 35 40 45

Company not  
to be responsi-  
ble for losses  
by fire.

**25.** The said company shall not be responsible for any loss or damage, by fire, to any person or persons, company or corporation, to any cars or goods, wares or merchandise caused by the cars in which said goods, chattels or merchandise may for the time being be stored, being burned up in or by factories, except when the same can be traced to the neglect or carelessness of said company. 50

Power to  
purchase lands  
for warehouses  
and purchase

**26.** The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found 55



superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

and work  
vessels.

27. Shares in the capital stock of the said company may be transferred by any form of instrument or writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of  
shares.

28. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to  
collect back  
charges on  
goods.

29. Sub-section 2 of section 41 of *The Railway Act* of Ontario shall not apply to this company.

Rev. Stat.,  
c. 170, s. 41,  
sub-s. 2, not  
to apply.

30. The said railway shall be commenced within three years and completed within seven years from the passing of this Act.

Time for  
commence-  
ment and  
completion  
of work.

## SCHEDULE "A."

### (Section 6.)

Know all men by these presents that I (or we) (*insert the names of vendors*) in consideration of the sum of \_\_\_\_\_ dollars paid to me (or us) by the Toronto Transfer and Warehousing Company, the receipt of which is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name of any other party or parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel of land, the same having been selected and laid out by the said company for the purpose of their business and railway, to hold with the appurtenances unto the said Toronto Transfer and Warehousing Company, their successors and assigns,

And I (or we) \_\_\_\_\_, the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_.

Signed sealed and delivered \_\_\_\_\_, in presence of \_\_\_\_\_.

No. 104.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to Incorporate the Toronto Transfer  
and Warehousing Company.

First Reading,                      , 1890.

(Private Bill.)

Mr. LEYS.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to Incorporate the Town of Gore Bay.

WHEREAS the district hereinafter described, comprising Preamble.

portions of the municipality of Gordon in which is situated the unincorporated village of Gore Bay, is rapidly increasing in population, and is now the judicial seat of the district of Manitoulin, and a manufacturing and shipping centre of considerable importance; and whereas the inhabitants of the said district have petitioned to be separated from the municipality of Gordon and formed into a corporate town, and have by their petition represented that the incorporation of said district as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the care, protection and improvement of property, and have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the district hereinafter described shall be separated from the municipality of Gordon, and the inhabitants thereof shall be and they hereby are constituted a corporation or body politic, under the name of “The Corporation of the Town of Gore Bay, and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province, except where otherwise provided by this Act. Town of Gore Bay incorporated.

2. The said town of Gore Bay shall comprise and consist of the town plot of Gore Bay, lots numbers 14, 15, 16 and 17 in the west range, lots numbers 12 and 19 in the east range, lot number 5 in the tenth concession, and lot number 5 in the eleventh concession, all of the township of Gordon, in the district of Manitoulin. Boundaries of town.

3. The said town shall be divided into two wards, to be called respectively the “north” and “south” wards, which said several wards shall be respectively composed and bounded as follows:—The north ward shall be composed of that portion of the said town bounded as follows: all that portion of the town plot north of Eleanor street, and lots numbers 16 and 17 in the west range, lot number 19 in the east range, and lot number 5 in the eleventh concession of the township of Gordon. The south ward shall be composed of all that portion the town plot south of Eleanor street, and lot number 12 in the east range, lot number 5 in the tenth concession, and lots number 14 and 15 in the west range, all in the township of Gordon. Wards.

Municipal  
laws to apply.

4. Except as otherwise provided by this Act, the provisions of *The Municipal Act*, and of any Act amending the same with regard to matters consequent upon the formation of new corporations, shall apply to the said town of Gore Bay in the same manner as if the said district had been an incorporated village, and had been erected into a town under the provisions of the said Acts. 5

Local im-  
provements in  
wards.

5. The annual appropriation for ward improvements in each ward, after paying the usual and necessary expenses of the said municipality shall be not less than the *pro rata* share of each of the said wards as shewn by the assessment roll, unless the councillors for all the wards agree to a larger outlay in one or more wards, and no special rate for which the vote of the ratepayers is by law necessary, shall be imposed in any ward for debentures or otherwise without the assent of the majority of the electors of said ward expressed by said vote. 10 15

Nomination  
for first elec-  
tion.

6. On the last Monday in April after the passing of this Act, it shall be lawful for Daniel Anderson, bailiff of the fifth division court of the district of Manitoulin, or the bailiff of said court for the time being, who is hereby appointed returning officer, to hold the nomination for the first election of mayor and councillors at the court house, in the said town of Gore Bay, and he shall give at least one week's notice thereof, by causing at least three notices to be posted up in conspicuous places in each of the said wards, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election, if necessary, shall be held on the same day of the week in the week following the said nomination, and the returning officer or chairman shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place. 20 25 30 35

Deputy-  
returning  
officers.

7. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the said town is divided, and such returning officer and each of such deputy-returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the municipal laws of Ontario applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns. 40 45

Clerk of muni-  
cipality of  
Gordon to fur-  
nish copy of  
assessment roll

8. The clerk of the municipality of Gordon and any other officer thereof shall upon demand made upon him by the said returning officer or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said municipality as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose. And the said returning officer shall furnish each of the said deputies with a true 50 55



copy of so much of said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

9. The council of said town to be elected in manner aforesaid, shall consist of the mayor who shall be the head thereof, 5 and six councillors, three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of said nomination; and subsequent elections 10 shall be held in the same manner, and the qualifications of mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of *The Municipal Act*, and any Act amending the same; and the said council and their successors in office shall 15 have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipals laws on such councils.

Council.

Rev. Stat. c. 184.

10. The said several persons who shall be elected or 20 appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns.

Declaration of office and qualification.

11. At the first election of mayor and councillors for the 25 said town of Gore Bay, the qualification of electors and that of officers required to qualify shall be the same as that required in the municipality of Gordon.

Qualification at first election.

12. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds or 30 any other matter whatsoever required by the clerk or other officer of the said town, or otherwise shall be borne by the said town and paid by it to any party entitled thereto.

Payment of expenses of Act.

13. All by-laws which are in force in the municipality of Gordon shall continue and be in force as if they had been 35 passed by the corporation of the town of Gore Bay, and shall extend and have full effect within the limits of the town hereby incorporated, until repealed by the new corporation.

By-laws in force in municipality of Gordon continued.

14. Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipality of 40 Gordon shall be apportioned between the said municipality and the said town of Gore Bay, as may be agreed upon, and in case of no agreement, then by the award of three arbitrators or a majority of them. One of such arbitrators being appointed by the said municipality of Gordon, and one by 45 the town of Gore Bay, and the third being chosen by the said two; and if from any cause whatever, either the said municipality of Gordon, or the said town of Gore Bay shall not have appointed an arbitrator within two months after the other has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the 50 municipality making default, and the two so appointed shall choose a third; and if they shall not agree upon such third

Apportionment of assets and liabilities on separation from municipality of Gordon.



arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators or of a majority of them shall be as valid and binding in all respects, as if the said arbitrators had been regularly appointed by the said municipalities.

5

Arrears of  
taxes.

**15.** Arrears of taxes due to the said corporation of the town of Gore Bay shall be collected and managed in the same way as the arrears due to towns separated from counties; and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of 10 taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall apply to the said corporation of the town of Gore Bay, and to sales of land therein for arrears of taxes 15 due thereon, and to deeds given therefor subject to the provisions of section 34 of chapter 185 of the Revised Statutes of Ontario.

Time for tak-  
ing assess-  
ments.

**16.** The council of the said town may pass a by-law for taking the assessment of the said town for the year, from the 20 first day of January to the thirty-first day of December, 1890, between the fifteenth day of May and the first day of August, 1890. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, then the time for closing the Court of Revision shall be 25 six weeks from the day to which such time is extended, and the final return by the stipendiary magistrate twelve weeks from that day.

Stipendiary  
magistrate to  
perform duties  
elsewhere per-  
formed by  
county judge.

**17.** Until there shall be a resident judge at Gore Bay, for the district of Manitoulin, the stipendiary magistrate of the 30 said district for the time being, shall have and exercise all the powers of the judge of a county court, under the existing municipal laws of the Province of Ontario.

Claims against  
municipality  
of Gordon not  
to be affected.

**18.** Nothing contained in this Act shall free the portions of the townships or wards comprising the municipality of the 35 town of Gore Bay hereby formed, from their proportion of any liability now existing against the municipality of Gordon, and the creditors of the said municipality of Gordon shall continue to have all the rights and remedies which they had previous to the passing of this Act for the enforcement of 40 their claims against the townships and wards heretofore composing the said municipality of Gordon.



No. 105.

4th Session, 6th Legislature. 53 Vic, 1890.

BILL.

An Act to incorporate the Town of Gore  
Bay.

First Reading,                      , 1890.

(Private Bill).

MR. LYON.

TORONTO :

PRINTED BY WALKER & SONS, 68 & 70 FRONT ST. W.

## An Act to Incorporate the Town of Gore Bay.

**W**HEREAS the district hereinafter described, comprising **Preamble.**  
portions of the municipality of Gordon in which is situated the unincorporated village of Gore Bay, is rapidly increasing in population, and is now the judicial seat of the district of Manitoulin, and a manufacturing and shipping centre of considerable importance; and whereas the inhabitants of the said district have petitioned to be separated from the municipality of Gordon and formed into a corporate town, and have by their petition represented that the incorporation of said district as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the care, protection and improvement of property, and have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the district hereinafter described shall be separated from the municipality of **Town of Gore Bay incorporated.** Gordon, and the inhabitants thereof shall be and they hereby are constituted a corporation or body politic, under the name of “The Corporation of the Town of Gore Bay,” and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province, except where otherwise provided by this Act.

2. The said town of Gore Bay shall comprise and consist of **Boundaries of town.** the town plot of Gore Bay, lots numbers 14, 15, 16 and 17 in the west range, lots numbers 12 and 19 in the east range, lot number 5 in the tenth concession, and lot number 5 in the eleventh concession, all of the township of Gordon, in the district of Manitoulin.

3. The said town shall be divided into two wards, to be **Wards.** called respectively the “north” and “south” wards, which said several wards shall be respectively composed and bounded as follows:—The north ward shall be composed of that portion of the said town bounded as follows: all that portion of the town plot north of Eleanor street, and lots numbers 16 and 17 in the west range, lot number 19 in the east range, and lot number 5 in the eleventh concession of the township of Gordon. The south ward shall be composed of all that portion the town plot south of Eleanor street, and lot number 12 in the east range, lot number 5 in the tenth concession, and lots number 14 and 15 in the west range, all in the township of Gordon.

Municipal  
laws to apply.

4. Except as otherwise provided by this Act, the provisions of *The Municipal Act*, and of any Act amending the same with regard to matters consequent upon the formation of new corporations, shall apply to the said town of Gore Bay in the same manner as if the said district had been an incorporated village, and had been erected into a town under the provisions of the said Acts.

Nomination  
for first elec-  
tion.

5. On the last Monday in April after the passing of this Act, it shall be lawful for Daniel Anderson, bailiff of the fifth division court of the district of Manitoulin, or the bailiff of said court for the time being, who is hereby appointed returning officer, to hold the nomination for the first election of mayor and councillors at the court house, in the said town of Gore Bay, and he shall give at least one week's notice thereof, by causing at least three notices to be posted up in conspicuous places in each of the said wards, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election, if necessary, shall be held on the same day of the week in the week following the said nomination, and the returning officer or chairman shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

Deputy-  
returning  
officers.

6. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the said town is divided, and such returning officer and each of such deputy-returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the municipal laws of Ontario applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Clerk of muni-  
cipality of  
Gordon to fur-  
nish copy of  
assessment roll

7. The clerk of the municipality of Gordon and any other officer thereof shall upon demand made upon him by the said returning officer or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said municipality as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose. And the said returning officer shall furnish each of the said deputies with a true copy of so much of said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Council.

8. The council of said town to be elected in manner aforesaid, shall consist of the mayor who shall be the head thereof, and six councillors, three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of said nomination; and subsequent elections



shall be held in the same manner, and the qualifications of mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of *The Municipal Act*, and any Act amending the same; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipals laws on such councils. Rev. Stat. c. 184.

9. The said several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns. Declaration of office and qualification.

10. At the first election of mayor and councillors for the said town of Gore Bay, the qualification of electors and that of officers required to qualify shall be the same as that required in the municipality of Gordon. Qualification at first election.

11. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds or any other matter whatsoever required by the clerk or other officer of the said town, or otherwise shall be borne by the said town and paid by it to any person entitled thereto. Payment of expenses of Act.

12. All by-laws which are in force in the municipality of Gordon shall continue and be in force as if they had been passed by the corporation of the town of Gore Bay, and shall extend and have full effect within the limits of the town hereby incorporated, until repealed by the new corporation. By-laws in force in municipality of Gordon continued.

13. Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipality of Gordon shall be apportioned between the said municipality and the said town of Gore Bay, as may be agreed upon, and in case of no agreement, then by the award of three arbitrators or a majority of them. One of such arbitrators being appointed by the said municipality of Gordon, and one by the town of Gore Bay, and the third being chosen by the said two; and if from any cause whatever, either the said municipality of Gordon, or the said town of Gore Bay shall not have appointed an arbitrator within two months after the other has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators or of a majority of them shall be as valid and binding in all respects, as if the said arbitrators had been regularly appointed by the said municipalities. Apportionment of assets and liabilities on separation from municipality of Gordon.

14. Arrears of taxes due to the said corporation of the town of Gore Bay shall be collected and managed in the same way as the arrears due to towns separated from counties; and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of Arrears of taxes.

taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall apply to the said corporation of the town of Gore Bay, and to sales of land therein for arrears of taxes due thereon, and to deeds given therefor subject to the provisions of section 34 of chapter 185 of the Revised Statutes of Ontario.

Time for taking assessments.

**15.** The council of the said town may pass a by-law for taking the assessment of the said town for the year, from the first day of January to the thirty-first day of December, 1890, between the fifteenth day of May and the first day of August, 1890. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and the final return by the stipendiary magistrate twelve weeks from that day.

Stipendiary magistrate to perform duties elsewhere performed by county judge.

**16.** Until there shall be a resident judge at Gore Bay, for the district of Manitoulin, the stipendiary magistrate of the said district for the time being, shall have and exercise all the powers of the judge of a county court, under the existing municipal laws of the Province of Ontario.

Claims against municipality of Gordon not to be affected.

**17.** Nothing contained in this Act shall free the portions of the townships or wards comprising the municipality of the town of Gore Bay hereby formed, from their proportion of any liability now existing against the municipality of Gordon, and the creditors of the said municipality of Gordon shall continue to have all the rights and remedies which they had previous to the passing of this Act for the enforcement of their claims against the townships and wards heretofore composing the said municipality of Gordon.



No. 105.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to Incorporate the Town of Gore  
Bay.

First Reading, 26th February, 1890.

*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. LYON.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to Incorporate the Village of Burk's Falls.

WHEREAS the inhabitants of the unincorporated village of Burk's Falls, in the township of Armour, in the district of Parry Sound, and that portion of the said township adjoining the said village comprised within the limits hereinafter mentioned, have by their petition represented that the said limits contain a population of very nearly seven hundred souls, which is steadily increasing, and that it would greatly promote their progress, interest and prosperity, if the said village and portion of the said township comprised within such limits should be separated from the municipality of Armour and formed into a corporate village, and they have prayed for such incorporation accordingly; and whereas from the position and topography of the land in said village, and for other reasons it is necessary that the area of the said village should extend beyond the limits assigned to incorporated villages by *The Municipal Act*; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. From and after the passing of this Act the inhabitants of the said unincorporated village of Burk's Falls and that portion of the township of Armour adjoining said village, and comprised within the limits or boundaries hereinafter set forth and described, shall be and they are hereby created a corporation or body politic under the name of "The Corporation of the Village of Burk's Falls," separate and apart from the said township of Armour in which they are situate, and shall have and enjoy all the rights, powers and privileges now enjoyed or conferred by, or which shall or may hereafter be conferred upon incorporated villages in the Province of Ontario, subject to any exception provided by this Act.

2. The said village of Burk's Falls is hereby declared to and shall comprise and consist of the lands with the intervening roads, streets and highways within the following limits or boundaries, namely:—Commencing at the south-westerly angle of lot number three, in the ninth concession of the township of Armour, in the district of Parry Sound; thence northerly, following along the line between lots numbers two and three in said concession twelve chains and fifty links; thence easterly, parallel to the line between concessions eight and nine twenty chains more or less to its intersection with the line between lots numbers three and four; thence northerly, following along said last mentioned line twelve chains



and fifty links; thence easterly, parallel to the line between concessions eight and nine twenty chains more or less to its intersection with the line between lots numbers four and five; thence northerly along said last mentioned line twenty-five chains more or less to its intersection with the line between 5 concessions nine and ten; thence easterly, following along said last mentioned line twenty chains more or less to the westerly limit of the allowance for road between lots numbers five and six in the ninth and tenth concessions; thence northerly along said westerly limit of said road allowance twenty-five 10 chains; thence easterly, parallel to the line between concessions nine and ten twenty-one chains more or less to its intersection with the line between lots numbers six and seven in the said tenth concession; thence southerly, following along said last mentioned line twenty-five chains to its intersection 15 with the line between concessions nine and ten; thence easterly, following along said last mentioned line thirty chains; thence southerly, parallel to the line between lots seven and eight in said ninth concession fifty-one chains more or less to the southerly limit of the allowance for road between 20 concessions eight and nine; thence southerly, parallel to the line between lots seven and eight in the eighth concession twenty-five chains; thence westerly, parallel to the line between concessions eight and nine one hundred and eleven chains more or less to its intersection with the line between 25 lots numbers two and three in said eighth concession; thence northerly, following said line and the production thereof northerly twenty-six chains more or less to the place of beginning, containing an area of seven hundred and seventy and nine-tenths acres, be the same more or less.

Nomination  
for first elec-  
tion.

3. On the third Monday after the passing of this Act, it 30 shall be lawful for Edward Bassett, Esq., of the said village of Burk's Falls, clerk of the said township of Armour, or his successor in office (who is hereby appointed the returning officer) to hold the nomination for the first election of a reeve and four councillors, in the court house in the said village, or 35 in case of the said court house not being available through its destruction by fire or other cause, in some other suitable building in said village, and he shall give at least eight days' notice thereof by causing at least ten notices to be posted up in conspicuous places in such village 40 and by causing the insertion of such notice once in the *Arrow* newspaper, published in said village; and such returning officer shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, who shall 45 have all the powers of a returning officer, and the polling for the said election, in the event of a poll being required, shall be held on the same day of the week in the next succeeding week at the said court house, or in case of the said court house not being available, in some other suitable building in said 50 village, and the duties of the said returning officer shall be the same as those required by law in respect of incorporated villages.

Qualification  
at first and  
subsequent  
elections.

4. At the first election the qualification of the electors and of the reeve and councillors for the said village shall be 55 the same as that required in townships, and at all subsequent

elections the qualifications of the electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages.

5       **5.** The township clerk of Armour shall furnish the Clerk of town-  
said returning officer, upon demand made upon him for the ship of Ar-  
same, with a certified copy of so much of the last revised mour to fur-  
assessment roll of the said township as may be required to nish copy of  
ascertain the names of all persons entitled to vote at such first assessment  
election. roll.

10       **6.** The reeve and councillors so to be elected shall hold First meeting  
their first meeting at the said court house or other suitable of council.  
building in the said village at ten of the clock in the forenoon  
of the same day of the week next following the polling, and  
if there shall not be any polling, on the same day of the week  
15 next following the nomination.

**7.** The several persons who shall be elected or appointed Oaths of office  
under this Act shall take and subscribe the declaration of and qualifica-  
office and qualification now required by the municipal laws of tion.  
Ontario to be taken by persons elected or appointed to like  
20 offices in villages.

**8.** Except as otherwise provided by this Act the provi- Municipal  
sions of *The Municipal Act* and all amending Acts respecting laws to apply.  
municipal institutions with regard to matters consequent on  
the formation of new corporations, and other provisions of  
25 said Acts applicable to incorporated villages shall apply to the  
village of Burk's Falls, in the same manner as they would have  
been applicable had the said village been incorporated under  
the provisions of the said Acts.

**9.** The expenses of, and incidental to the obtaining of Expenses of  
30 this Act of every kind, of preparing the necessary papers, Act.  
and of furnishing any documents, papers, writings, deeds, or  
other matter whatsoever connected therewith, or required by  
the clerk of the said village, or otherwise howsoever shall be  
borne by the said village and paid by it to the party or  
35 parties that may be respectively entitled thereto.

No. 106.

4th Session, 6th Parliament, 53 Vic. 1890.

BILL.

An Act to Incorporate the Village of  
Bunk's Falls.

First Reading,	1890.
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(Private Bill.)

Mr. ARMSTRONG.

TORONTO :

PRINTED BY WAHNECK & SONS, 68 AND 70 FRONT ST. W.

## An Act to Incorporate the Village of Burk's Falls.

WHEREAS the inhabitants of the unincorporated village of Burk's Falls, in the township of Armour, in the district of Parry Sound, and that portion of the said township adjoining the said village comprised within the limits hereinafter mentioned, have by their petition represented that the said limits contain a population of very nearly seven hundred souls, which is steadily increasing, and that it would greatly promote their progress, interest and prosperity, if the said village and portion of the said township comprised within such limits should be separated from the municipality of Armour and formed into a corporate village, and they have prayed for such incorporation accordingly; and whereas from the position and topography of the land in said village, and for other reasons it is necessary that the area of the said village should extend beyond the limits assigned to incorporated villages by *The Municipal Act*; and whereas it is expedient to grant the prayer of said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. From and after the passing of this Act the inhabitants of the said unincorporated village of Burk's Falls and that portion of the township of Armour adjoining said village, and comprised within the limits or boundaries hereinafter set forth and described, shall be and they are hereby created a corporation or body politic under the name of "The Corporation of the Village of Burk's Falls," separate and apart from the said township of Armour in which they are situate, and shall have and enjoy all the rights, powers and privileges now enjoyed or conferred by, or which shall or may hereafter be conferred upon incorporated villages in the Province of Ontario, subject to any exception provided by this Act.

Village of  
Burk's Falls  
Incorporated.

2. The said village of Burk's Falls is hereby declared to and shall comprise and consist of the lands with the intervening roads, streets and highways within the following limits or boundaries, namely:—Commencing at the south-westerly angle of lot number three, in the ninth concession of the township of Armour, in the district of Parry Sound; thence northerly, following along the line between lots numbers two and three in said concession twelve chains and fifty links; thence easterly, parallel to the line between concessions eight and nine twenty chains more or less to its intersection with the line between lots numbers three and four; thence northerly, following along said last mentioned line twelve chains

Boundaries of  
Village.



and fifty links; thence easterly, parallel to the line between concessions eight and nine twenty chains more or less to its intersection with the line between lots numbers four and five; thence northerly along said last mentioned line twenty-five chains more or less to its intersection with the line between concessions nine and ten; thence easterly, following along said last mentioned line twenty chains more or less to the westerly limit of the allowance for road between lots numbers five and six in the ninth and tenth concessions; thence northerly along said westerly limit of said road allowance twenty-five chains; thence easterly, parallel to the line between concessions nine and ten twenty-one chains more or less to its intersection with the line between lots numbers six and seven in the said tenth concession; thence southerly, following along said last mentioned line twenty-five chains to its intersection with the line between concessions nine and ten; thence easterly, following along said last mentioned line thirty chains; thence southerly, parallel to the line between lots seven and eight in said ninth concession fifty-one chains more or less to the southerly limit of the allowance for road between concessions eight and nine; thence southerly, parallel to the line between lots seven and eight in the eighth concession twenty-five chains; thence westerly, parallel to the line between concessions eight and nine one hundred and eleven chains more or less to its intersection with the line between lots numbers two and three in said eighth concession; thence northerly, following said line and the production thereof northerly twenty-six chains more or less to the place of beginning, containing an area of seven hundred and seventy and nine-tenths acres, be the same more or less.

Nomination  
for first elec-  
tion.

3. On the third Monday after the passing of this Act, it shall be lawful for Edward Bassett, Esq., of the said village of Burk's Falls, clerk of the said township of Armour, or his successor in office (who is hereby appointed the returning officer) to hold the nomination for the first election of a reeve and four councillors, in the court house in the said village, or in case of the said court house not being available through its destruction by fire or other cause, in some other suitable building in said village, and he shall give at least eight days' notice thereof by causing at least ten notices to be posted up in conspicuous places in such village and by causing the insertion of such notice once in the *Arrow* newspaper, published in said village; and such returning officer shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, who shall have all the powers of a returning officer, and the polling for the said election, in the event of a poll being required, shall be held on the same day of the week in the next succeeding week at the said court house, or in case of the said court house not being available, in some other suitable building in said village, and the duties of the said returning officer shall be the same as those required by law in respect of incorporated villages.

Qualification  
at first and  
subsequent  
elections.

4. At the first election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent





elections the qualifications of the electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages.



5. The township clerk of Armour shall furnish the said returning officer, upon demand made upon him for the same, with a certified copy of so much of the last revised assessment roll of the said township as may be required to ascertain the names of all persons entitled to vote at such first election. Clerk of township of Armour to furnish copy of assessment roll.

6. The reeve and councillors so to be elected shall hold their first meeting at the said court house or other suitable building in the said village at ten of the clock in the forenoon of the same day of the week next following the polling, and if there shall not be any polling, on the same day of the week next following the nomination. First meeting of council.

7. The several persons who shall be elected or appointed under this Act shall take and subscribe the declaration of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in villages. Oaths of office and qualification.

8.  The council of the said village may pass a by-law for taking the assessment of the said village from the first day of January to the thirty-first day of December, 1890, between the fifteenth day of May and the first day of August, 1890. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended and the final return by the stipendiary magistrate twelve weeks from that day. 

9. Except as otherwise provided by this Act the provisions of *The Municipal Act* and all amending Acts respecting municipal institutions with regard to matters consequent on the formation of new corporations, and other provisions of said Acts applicable to incorporated villages shall apply to the village of Burk's Falls, in the same manner as they would have been applicable had the said village been incorporated under the provisions of the said Acts. Municipal laws to apply.

10. The expenses of, and incidental to the obtaining of this Act of every kind, of preparing the necessary papers, and of furnishing any documents, papers, writings, deeds, or other matter whatsoever connected therewith, or required by the clerk of the said village, or otherwise howsoever shall be borne by the said village and paid by it to the  person or persons  that may be respectively entitled thereto. Expenses of Act.

No. 106.

4th Session, 6th Legislature 53 Vic, 1890

BILL.

An Act to Incorporate the Village of  
Burk's Falls.

First Reading, 25th February, 1890.

*(Reprinted as amended by Privats Bills  
Committee.)*

(Private Bill.)

Mr. ARMSTRONG.

TORONTO:

Printed by WARREN & SONS, 68 & 70 FRONT ST. W.

An Act to amend the Act intituled "An Act to change the name of The Sarnia Gas Company, to confirm a By-Law of the Town of Sarnia and to extend the powers of said Company."

WHEREAS the Sarnia Consumers' Gas Company have by Preamble.  
their petition set forth that they did not within three  
years after the passing of the Act, chaptered 56, passed in the  
forty-fourth year of the reign of Her Majesty, intituled "An  
5 Act to change the name of The Sarnia Gas Company, to con-  
firm a by-law of the Town of Sarnia, and to extend the powers  
of said Company," commence to supply gas to the said cor-  
poration of the town of Sarnia, as required by section 4 of the  
said recited Act, but that the said company did commence to  
10 supply gas to the said corporation of the town of Sarnia and  
to the inhabitants thereof, in such quantity as was required,  
in or about the month of October, 1884, being about three  
years and seven months after the passage of said recited Act,  
and that it has continuously from said date, and now is sup-  
15 plying the said corporation of the town of Sarnia and the  
inhabitants thereof with gas, in such quantity as is required,  
at a rate agreed upon between the said corporation and the  
said company, and to the said inhabitants thereof, at the same  
rate as is charged by said company to the shareholders thereof,  
20 who are consumers of gas; that in the purchase of real estate  
for the location of its works in the said town of Sarnia, and in  
construction and equipment of such works it has from time to  
time expended large sums of money, the aggregate of such  
expenditure now reaching to nearly \$35,000; and whereas the  
25 said company has, by its said petition, also set forth that the  
Honourable Alexander Vidal and certain other persons, incor-  
porated in the year one thousand eight hundred and seventy-  
eight, as a gas company, by the name of The Sarnia Gas  
Company, and the said The Sarnia Gas Company referred to  
30 in the 5th section of the above recited Act, did by deed of  
assignment, bearing date the 17th day of February, 1886,  
grant, assign, transfer and confirm unto the said The Sarnia  
Consumers' Gas Company, all their, and each of their rights,  
interests, shares and claims in and to the charter incorporating  
35 the said the Honourable Alexander Vidal and others as The  
Sarnia Gas Company, and to the by-law of the town of Sarnia  
in said deed of assignment referred to, and also all the  
benefits, privileges, and advantages of, or arising out of, or to  
be derived from the said charter and by-law to hold the same  
40 unto the said The Sarnia Consumers' Gas Company, its  
successors and assigns absolutely; and whereas the said com-  
pany has also by the said petition further set forth that the  
said, The Sarnia Gas Company so incorporated by the

Honourable Alexander Vidal and others, never went into actual operation ; and whereas the said The Sarnia Consumers' Gas Company have petitioned that an Act may be passed to amend the said Act passed in the forty-fourth year of the reign of Her Majesty, chaptered 56, and declaring that the failure of the said company to comply with the conditions of section 4 of the said recited Act within the times thereby limited, has not dissolved the said company, nor worked a forfeiture of its franchises, powers, rights, privileges, authorities and immunities, or any of them, and that the said deed of assignment from the said the Honourable Alexander Vidal and others and The Sarnia Gas Company so incorporated by them to the said The Sarnia Consumers' Gas Company, may be declared legal, valid and binding, and sufficient to effectually transfer to, convey and vest in the said The Sarnia Consumers' Gas Company the charter of the said The Sarnia Gas Company so incorporated by the said the Honourable Alexander Vidal and others and all its franchises, powers, rights, privileges, authorities and immunities ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Existence of corporation affirmed.

1. The said the Sarnia Consumers' Gas Company is now and has always been since the passing of the by law of the town of Sarnia, confirmed by the said Act passed in the forty-fourth year of the reign of Her Majesty, chaptered fifty-six, a body politic and corporate under the name of The Sarnia Consumers' Gas Company, having all franchises, powers, rights, privileges authorities and immunities as fully and effectually to all intents and purposes as if the said company had complied with the conditions of section 4 of the said Act so passed in the said forty-fourth year of Her Majesty's reign, chaptered fifty-six, within the times thereby limited.

Deed from Sarnia Gas Company, and others to Sarnia Consumers' Gas Company confirmed.

2. The said deed of assignment bearing date the seventeenth day of February, 1886, made between the Sarnia Gas Company of the first part, the Honourable Alexander Vidal and others of the second part and the said the Sarnia Consumers' Gas Company of the third part in the preamble referred to, is hereby ratified and confirmed and declared to be valid and effectual and shall be deemed to transfer, convey to and vest in the said The Sarnia Consumers' Gas Company, the charter and all the franchises, powers, rights, privileges, authorities and immunities of the said The Sarnia Gas Company, so incorporated by the said the Honourable Alexander Vidal and others to all intents and purposes whatsoever.

44 V., c. 56, s. 5 repealed.

3. Section 5 of the said Act, passed in the 44th year of Her Majesty's Reign, chapter 56, is hereby repealed.





BILL.

An Act to amend the Act intituled "An Act to change the name of The Sarnia Gas Company to confirm a By-law of the Town of Sarnia, and to extend the powers of said Company."

First Reading,

1890.

(Private Bill.)

MR. MACKENZIE.

TORONTO :

PRINTED BY WARWICK & SONS, 68 and 70 Front St. W.

## An Act respecting The Sarnia Gas Company.

**W**HEREAS the Sarnia Consumers' Gas Company has by Preamble  
its petition set forth that it did not within three years after the passing of the Act, chaptered 56, passed in the forty-fourth year of the reign of Her Majesty, intituled "An Act to change the name of The Sarnia Gas Company, to confirm a by-law of the Town of Sarnia, and to extend the powers of said Company," commence to supply gas to the said corporation of the town of Sarnia, as required by section 4 of the said recited Act, but that the said company did commence to supply gas to the said corporation of the town of Sarnia and to the inhabitants thereof, in such quantity as was required, in or about the month of October, 1884, being about three years and seven months after the passage of said recited Act, and that it has continuously from said date, and now is supplying the said corporation of the town of Sarnia and the inhabitants thereof with gas, in such quantity as is required, at a rate agreed upon between the said corporation and the said company, and to the said inhabitants thereof, at the same rate as is charged by said company to the shareholders thereof, who are consumers of gas; that in the purchase of real estate for the location of its works in the said town of Sarnia, and in construction and equipment of such works it has from time to time expended large sums of money, the aggregate of such expenditure now reaching to nearly \$35,000; and whereas the said company has represented that it intends lighting the town of Sarnia by means of electricity distributed by conductors placed under ground and that in order to obtain moneys to purchase the electric plant and appliances required for this purpose it will be necessary for the said company to sell additional of its capital stock, but as doubts have been expressed as to the company's franchises, powers, rights, privileges, authorities, and immunities, by reason of its not supplying gas to the corporation of the said Town of Sarnia, within the three years limited by said recited Act, the sale of such additional capital stock cannot well be effected until such doubts are removed; and whereas the said company has, by its said petition, also set forth that the Honourable Alexander Vidal and certain other persons, incorporated in the year one thousand eight hundred and seventy-eight, as a gas company, by the name of The Sarnia Gas Company, and the said The Sarnia Gas Company referred to in the 5th section of the above recited Act, did by deed of assignment, bearing date the 17th day of February, 1886, grant, assign, transfer and confirm unto the said The Sarnia Consumers' Gas Company, all their, and each of their rights, interests, shares and claims in and to the charter incorporating the said the Honourable Alexander Vidal and others as The

Sarnia Gas Company, and to the by-law of the town of Sarnia in said deed of assignment referred to, and also all the benefits, privileges, and advantages of, or arising out of, or to be derived from the said charter and by-law to hold the same unto the said The Sarnia Consumers' Gas Company, its successors and assigns absolutely; and whereas the said company has also by the said petition further set forth that the said, The Sarnia Gas Company so incorporated by the Honourable Alexander Vidal and others, never went into actual operation; and whereas the said The Sarnia Consumers' Gas Company have petitioned that an Act may be passed to amend the said Act passed in the forty-fourth year of the reign of Her Majesty, chaptered 56, and declaring that the failure of the said company to comply with the conditions of section 4 of the said recited Act within the times thereby limited, has not dissolved the said company, nor worked a forfeiture of its franchises, powers, rights, privileges, authorities and immunities, or any of them, and that the said deed of assignment from the said the Honourable Alexander Vidal and others and The Sarnia Gas Company so incorporated by them to the said The Sarnia Consumers' Gas Company, may be declared legal, valid and binding, and sufficient to effectually transfer to, convey and vest in the said The Sarnia Consumers' Gas Company the charter of the said The Sarnia Gas Company so incorporated by the said the Honourable Alexander Vidal and others and all its franchises, powers, rights, privileges, authorities and immunities; and whereas it is expedient to grant the prayer of the said petition;


Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Existence of  
corporation  
affirmed.

1. The said the Sarnia Consumers' Gas Company is now and has always been since the passing of the by-law of the town of Sarnia, confirmed by the said Act passed in the forty-fourth year of the reign of Her Majesty, chaptered fifty-six, a body politic and corporate under the name of The Sarnia Consumers' Gas Company, having all franchises, powers, rights, privileges authorities and immunities as fully and effectually to all intents and purposes as if the said company had complied with the conditions of section 4 of the said Act so passed in the said forty-fourth year of Her Majesty's reign, chaptered fifty-six, within the times thereby limited.

Company to  
supply electric  
lights.

2. The said The Sarnia Consumers' Gas Company shall, after the expiration of three years from the passing of this Act upon the request of the corporation of the town of Sarnia and within six months after such request shall have been made by said corporation to said company supply to said corporation by an efficient system of electricity distributed by means of conductors placed under ground such number of electric lights of such candle power as the said corporation shall from time to time require and at such price as shall from time to time be agreed upon between the said company and the said corporation, not in excess of the price per candle power charged to private consumers, and the said company shall also supply to such of the inhabitants of the said town of Sarnia such number of electric lights of such candle power as

the said inhabitants shall from time to time require and at the same price as shall from time to time be charged by said company to its shareholders who are users of such electric lights; Provided always that the said company may supply such electric lights to the said corporation and the inhabitants thereof at any time before the expiration of three years from the passing of this Act if the said company sees fit to do so. 

3. The said deed of assignment bearing date the seven-  
teenth day of February, 1886, made between the Sarnia Gas  
Company of the first part, the Honourable Alexander Vidal and  
others of the second part and the said the Sarnia Consumers'  
Gas Company of the third part in the preamble referred to, is  
hereby ratified and confirmed and declared to be valid and  
effectual and shall be deemed to transfer, convey to and vest in  
the said The Sarnia Consumers' Gas Company, the charter and  
all the franchises, powers, rights, privileges, authorities and  
immunities of the said The Sarnia Gas Company, so incorpor-  
ated by the said the Honourable Alexander Vidal and others  
to all intents and purposes whatsoever.

Deed from  
Sarnia Gas  
Company, and  
others to  
Sarnia  
Consumers'  
Gas Company  
confirmed.

4. Section 5 of the said Act, passed in the 44th year of Her  
Majesty's Reign, chapter 56, is hereby repealed.

44 V., c. 56, s.  
5 repealed.

No. 107.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act respecting The Sarnia Gas Company.

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First Reading, 27th February, 1890.

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*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

Mr. MACKENZIE.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to enable the City of Brantford to issue certain debentures for Drainage, Water, School and Park purposes.

WHEREAS the corporation of the city of Brantford have by their petition represented that the said corporation are desirous of constructing a system of sewers for the purpose of draining the said city and the disposal of the sewage at a cost together with the sums to be expended under local improvement by-laws, chargeable against the properties benefited, estimated not to exceed two hundred thousand dollars; and whereas the said corporation by their said petition have further represented that owing to the destruction by fire of the central public school of the said city, it is desirable that a new building or buildings should be erected for school purposes at a cost not exceeding fifty thousand dollars; and whereas it is also represented by the said petition that the said corporation are desirous of extending the waterworks of the said city at a cost not exceeding thirty thousand dollars; and that they are further desirous of purchasing land for public parks, and making the necessary improvements in connection therewith; and whereas it has been made to appear that the said works are all of a permanent character and will endure for a period exceeding the time for the maturing of the debentures hereby authorized to be issued; and that the said corporation can borrow the money and repay the same to much greater advantage if such debentures extend over a period of forty years; and whereas the said corporation pray that an Act may be passed granting them authority to raise the said moneys, or so much thereof as may be required, by debentures of the said corporation, payable at a period not exceeding forty years from the passing of the by-law or by-laws authorizing the issue thereof, after a by-law or by-laws have been duly passed for the purpose and approved by the electors under *The Municipal Act*; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said corporation of the city of Brantford are hereby authorized and empowered to pass a by-law or by-laws providing for the issue by the said corporation of debentures under its corporate seal, in accordance with the provisions of *The Municipal Act*, (except as is hereinafter provided as to the time the said debentures may run), to raise the sums in the preamble to this Act recited and set out by the issue of such debentures, that is to say: for the construction of sewers and the

Issue of  
debentures  
authorised.

disposal of sewage as hereinbefore recited, a sum not exceeding two hundred thousand dollars; for the purpose of erecting a public school house or school houses, a sum not exceeding fifty thousand dollars; for the extension of the waterworks within the said city, a sum not exceeding thirty thousand dollars; and 5  
for such sum as may be required for the purpose of purchasing land for public parks and improvements in connection therewith.

Payment of  
debentures  
and interest.

2. The principal sum secured by the said debentures and the interest thereon may be made payable either in this 10  
Province or in Great Britain or elsewhere, and the interest thereon at a rate not exceeding four per cent., per annum, shall be payable half-yearly according to the coupons attached thereto.

Term of  
debentures.

3. The said debentures or any of them may be made payable at a time not exceeding forty years from the passing of 15  
the by-law or by-laws authorizing the issue thereof as the said by-law or by-laws shall direct.

Power to  
borrow on  
debentures.

4. The said corporation may raise money by the sale or by hypothecation of the said debentures from time to time as they 20  
may deem expedient.

By-law to be  
submitted  
to ratepayers.

5. Any such by-law or by-laws shall, before the final passing thereof, be submitted for the approval of the electors of the said city entitled to vote on money by-laws in accordance with the provisions of *The Municipal Act* in that behalf.

Rev. Stat. c.  
184.

Application of  
loan.

6. The treasurer of the said corporation shall keep separate 25  
accounts in respect of any debentures issued for any one of the purposes aforesaid and the moneys which may be raised thereon or by the sale thereof and the moneys arising from the sale or hypothecation of such debentures shall be applied by the said corporation to the particular work or for the pur- 30  
pose for which the debenture was issued and in no other manner and for no other purpose; and no by-law or resolution of the said council shall be sufficient to warrant the application of any such moneys to any other purpose, or shall be a protection to the treasurer or other officer or servant of the corpor- 35  
ation in case of the application of the said moneys in any other manner.

Special rate.

7. For payment of the principal money of any of the debentures issued under this Act and the interest thereon, the council shall impose a special rate per annum over and above and 40  
in addition to all other rates to be levied in each year which shall be sufficient to raise such an amount as will, with the amounts levied on the properties benefited in pursuance of the local improvement by-laws, pay the said interest and also to form a sinking fund which compounded half-yearly at four 45  
per cent., will be sufficient to pay such principal money.

Irregularities  
in form not  
to invalidate  
debentures.

8. No irregularity in the form either of the said debentures or of the by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount 50  
of the said debentures and interest or any or either of them or any part thereof.

- 9.—(1) Notwithstanding anything in *The Municipal Act* <sup>Assessments for local improvements</sup> contained, it shall be lawful for the council of the corporation of the city of Brantford to pass local improvement assessment by-laws extending the time for payment of that part of  
5 the cost of said system of drainage, to be rated and levied on real property specially benefited, over a period of not more than forty years to the end that the payment of such special local rates may be made coterminous with the special general rates authorized by section 7 of this Act.
- 10 (2) In the event of the said council passing such local improvement assessment by-laws under the provisions of the preceding sub-section, no local improvement debentures shall be issued pursuant to any such local improvement by-law which  
15 may be passed by the said council to provide for the payment of the cost of that part of said drainage system chargeable on real property specially benefited, but all local rates and assessments imposed and made under any such by-law or by-laws shall be annually collected by the said corporation and applied in and towards the payment of the principal money of  
20 the debentures authorized by this Act and the interest thereon as contemplated by section 7 hereof.

No. 108.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to enable the City of Brantford  
to issue Debentures for Drainage, Water,  
School and Park purposes.

First Reading,	1890.
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(Private Bill.)

MR. HARDY.

TORONTO :

PRINTED BY WARWICK & SON, 68 AND 70 FRONT ST. W.



An Act to enable the City of Brantford to issue certain debentures for Drainage, Water, School and Park purposes.

WHEREAS the corporation of the city of Brantford have by their petition represented that the said corporation are desirous of constructing a system of sewers for the purpose of draining the said city and the disposal of the sewage at a cost together with the sums to be expended under local improvement by-laws, chargeable against the properties benefited, estimated not to exceed two hundred thousand dollars; and whereas the said corporation by their said petition have further represented that owing to the destruction by fire of the central public school of the said city, it is desirable that a new building or buildings should be erected for school purposes at a cost not exceeding fifty thousand dollars; and whereas it is also represented by the said petition that the said corporation are desirous of extending the waterworks of the said city at a cost not exceeding thirty thousand dollars; and that they are further desirous of purchasing land for public parks, and making the necessary improvements in connection therewith; and whereas it has been made to appear that the said works are all of a permanent character and will endure for a period exceeding the time for the maturing of the debentures hereby authorized to be issued; and that the said corporation can borrow the money and repay the same to much greater advantage if such debentures extend over a period of forty years; and whereas the said corporation pray that an Act may be passed granting them authority to raise the said moneys, or so much thereof as may be required, by debentures of the said corporation, payable at a period not exceeding forty years from the passing of the by-law or by-laws authorizing the issue thereof, after a by-law or by-laws have been duly passed for the purpose and approved by the electors under *The Municipal Act*; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said corporation of the city of Brantford are hereby authorized and empowered to pass a by-law or by-laws providing for the issue by the said corporation of debentures under its corporate seal, in accordance with the provisions of *The Municipal Act*, (except as is hereinafter provided as to the time the said debentures may run), to raise the sums in the preamble to this Act recited and set out by the issue of such debentures, that is to say: for the construction of sewers and the

Issue of  
debentures  
authorised.



disposal of sewage as hereinbefore recited, a sum not exceeding two hundred thousand dollars; for the purpose of erecting a public school house or school houses, a sum not exceeding fifty thousand dollars; for the extension of the waterworks within the said city, a sum not exceeding thirty thousand dollars; and for such sum as may be required for the purpose of purchasing land for public parks and improvements in connection therewith.

Payment of  
debentures  
and interest.

2. The principal sum secured by the said debentures and the interest thereon may be made payable either in this Province or in Great Britain or elsewhere, and the interest thereon at a rate not exceeding four per cent., per annum, shall be payable half-yearly according to the coupons attached thereto.

Term of  
debentures.

3. The said debentures or any of them may be made payable at a time not exceeding forty years from the passing of the by-law or by-laws authorizing the issue thereof as the said by-law or by-laws shall direct.

Power to  
borrow on  
debentures.

4. The said corporation may raise money by the sale or by hypothecation of the said debentures from time to time as they may deem expedient.

By-law to be  
submitted  
to ratepayers.

5. Any such by-law or by-laws shall, before the final passing thereof, be submitted for the approval of the electors of the said city entitled to vote on money by-laws in accordance with the provisions of *The Municipal Act* in that behalf.

Rev. Stat. c.  
184.

Application of  
loan.

6. The treasurer of the said corporation shall keep separate accounts in respect of any debentures issued for any one of the purposes aforesaid and the moneys which may be raised thereon or by the sale thereof and the moneys arising from the sale or hypothecation of such debentures shall be applied by the said corporation to the particular work or for the purpose for which the debenture was issued and in no other manner and for no other purpose; and no by-law or resolution of the said council shall be sufficient to warrant the application of any such moneys to any other purpose, or shall be a protection to the treasurer or other officer or servant of the corporation in case of the application of the said moneys in any other manner.

Special rate.

7. For payment of the principal money of any of the debentures issued under this Act and the interest thereon, the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year which shall be sufficient to raise such an amount as will, with the amounts levied on the properties benefited in pursuance of the local improvement by-laws, pay the said interest and also to form a sinking fund which compounded half-yearly at four per cent., will be sufficient to pay such principal money.

Irregularities  
in form not  
to invalidate  
debentures.

8. No irregularity in the form either of the said debentures or of the by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

9.—(1) Notwithstanding anything in *The Municipal Act* <sup>Assessments for local improvements</sup> contained, it shall be lawful for the council of the corporation of the city of Brantford to pass local improvement assessment by-laws extending the time for payment of that part of the cost of said system of drainage, to be rated and levied on real property specially benefited, over a period of not more than forty years to the end that the payment of such special local rates may be made coterminous with the special general rates authorized by section 7 of this Act.

(2) In the event of the said council passing such local improvement assessment by-laws under the provisions of the preceding sub-section, no local improvement debentures shall be issued pursuant to any such local improvement by-law which may be passed by the said council to provide for the payment of the cost of that part of said drainage system chargeable on real property specially benefited, but all local rates and assessments imposed and made under any such by-law or by-laws shall be annually collected by the said corporation and applied in and towards the payment of the principal money of the debentures authorized by this Act and the interest thereon as contemplated by section 7 hereof.

10. Any by-law of the said municipality which before the passing of this Act has passed first and second reading by the council and been advertized, to enable the said city to issue debentures or secure moneys under the provisions of *The Municipal Act* or for any of the purposes aforesaid, not exceeding the sum or sums hereinafter mentioned, shall not be impeached or set aside or quashed by reason only that the same was so passed to its second reading and advertized prior to the passing of this Act, but the same shall if it otherwise conforms to and complies with the provisions of *The Municipal Act* and of this Act be valid and binding provided nevertheless that the vote of the ratepayers be taken and the third reading of such by-law by the municipal council be had after the passing of this Act. <sup>By-laws read a second time before passing of Act to be valid.</sup>

No. 108.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to enable the City of Brantford  
to issue Debentures for Drainage, Water,  
School and Park purposes.

First Reading, 4th March, 1890.

*(Reprinted as amended by Private Bills  
Committee.)*

(Private Bill.)

MR. HARDY.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

An Act to enable the City of Brantford to issue certain debentures for Drainage, Water, School and Park purposes.

WHEREAS the corporation of the city of Brantford have by their petition represented that the said corporation are desirous of constructing a system of sewers for the purpose of draining the said city and the disposal of the sewage at a cost together with the sums to be expended under local improvement by-laws, chargeable against the properties benefited, estimated not to exceed two hundred thousand dollars; and whereas the said corporation by their said petition have further represented that owing to the destruction by fire of the central public school of the said city, it is desirable that a new building or buildings should be erected for school purposes at a cost not exceeding fifty thousand dollars; and whereas it is also represented by the said petition that the said corporation are desirous of extending the waterworks of the said city at a cost not exceeding thirty thousand dollars; and that they are further desirous of purchasing land for public parks, and making the necessary improvements in connection therewith; and whereas it has been made to appear that the said works are all of a permanent character and will endure for a period exceeding the time for the maturing of the debentures hereby authorized to be issued; and that the said corporation can borrow the money and repay the same to much greater advantage if such debentures extend over a period of forty years; and whereas the said corporation pray that an Act may be passed granting them authority to raise the said moneys, or so much thereof as may be required, by debentures of the said corporation, payable at a period not exceeding forty years from the passing of the by-law or by-laws authorizing the issue thereof, after a by-law or by-laws have been duly passed for the purpose and approved by the electors under *The Municipal Act*; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said corporation of the city of Brantford are hereby authorized and empowered to pass a by-law or by-laws providing for the issue by the said corporation of debentures under its corporate seal, in accordance with the provisions of *The Municipal Act*, (except as is hereinafter provided as to the time the said debentures may run), to raise the sums in the preamble to this Act recited and set out by the issue of such debentures, that is to say : for the construction of sewers and the

Issue of  
debentures  
authorised.



disposal of sewage as hereinbefore recited, a sum not exceeding two hundred thousand dollars; for the purpose of erecting a public school house or school houses, a sum not exceeding fifty thousand dollars; for the extension of the waterworks within the said city, a sum not exceeding thirty thousand dollars; and for such sum as may be required for the purpose of purchasing land for public parks and improvements in connection therewith.

**Payment of debentures and interest.**

2. The principal sum secured by the said debentures and the interest thereon may be made payable either in this Province or in Great Britain or elsewhere, and the interest thereon at a rate not exceeding four per cent., per annum, shall be payable half-yearly according to the coupons attached thereto.

**Term of debentures.**

3. The said debentures or any of them may be made payable at a time not exceeding forty years from the passing of the by-law or by-laws authorizing the issue thereof as the said by-law or by-laws shall direct.

**Power to borrow on debentures.**

4. The said corporation may raise money by the sale or by hypothecation of the said debentures from time to time as they may deem expedient; except as to debentures issued in respect of the construction of sewers and the disposal of sewage under the local improvement plan, and as to such debentures as the money may be required.

**By-law to be submitted to ratepayers.**

5. Any such by-law or by-laws shall, before the final passing thereof, be submitted for the approval of the electors of the said city entitled to vote on money by-laws in accordance with the provisions of *The Municipal Act* in that behalf.

Rev. Stat. c. 184.

**Application of loan.**

6. The treasurer of the said corporation shall keep separate accounts in respect of any debentures issued for any one of the purposes aforesaid and the moneys which may be raised thereon or by the sale thereof and the moneys arising from the sale or hypothecation of such debentures shall be applied by the said corporation to the particular work or for the purpose for which the debenture was issued and in no other manner and for no other purpose; and no by-law or resolution of the said council shall be sufficient to warrant the application of any such moneys to any other purpose, or shall be a protection to the treasurer or other officer or servant of the corporation in case of the application of the said moneys in any other manner.

**Special rate.**

7. For payment of the principal money of any of the debentures issued under this Act and the interest thereon, the council shall impose a special rate per annum over and above and in addition to all other rates to be levied in each year which shall be sufficient to raise such an amount as will, with the amounts levied on the properties benefited in pursuance of the local improvement by-laws, pay the said interest and also to form a sinking fund which compounded half-yearly at four per cent., will be sufficient to pay such principal money.

**Irregularities in form not to invalidate debentures.**

8. No irregularity in the form either of the said debentures or of the by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action



brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

9.—(1) Notwithstanding anything in *The Municipal Act* contained, it shall be lawful for the council of the corporation of the city of Brantford to pass local improvement assessment by-laws extending the time for payment of that part of the cost of said system of drainage, to be rated and levied on real property specially benefited, over a period of not more than forty years ~~from~~ from the passing of the by-law or by-laws authorizing the issue thereof as the by-law or by-laws may provide. ~~and~~

Assessments  
for local  
improvements

10. Any by-law of the said municipality which before the passing of this Act has passed first and second reading by the council and been advertized, to enable the said city to issue debentures or secure moneys under the provisions of *The Municipal Act* or for any of the purposes aforesaid, not exceeding the sum or sums hereinbefore mentioned, shall not be impeached or set aside or quashed by reason only that the same was so passed to its second reading and advertized prior to the passing of this Act, but the same shall if it otherwise conforms to and complies with the provisions of *The Municipal Act* and of this Act be valid and binding provided nevertheless that the vote of the ratepayers be taken and the third reading of such by-law by the municipal council be had after the passing of this Act.

By-laws read  
a second time  
before passing  
of Act to be  
valid.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to enable the City of Brantford  
to issue Debentures for Drainage, Water,  
School and Park purposes

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First Reading,	4th March, 1890.
Second     "     18th     "	1890.

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*(Reprinted as amended by Committee of  
the Whole House.)*

(Private Bill.)

MR. HARDY.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

## An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. *The Registry Act* is amended by adding thereto the following section immediately after section 64 thereof : Rev. Stat., c. 114, amended.

64 (a) Where the copy of will or of letters of probate or letters of administration has attached to it, when left or offered for registry, an affidavit or statutory declaration by the executor or administrator to the effect that after making the will the testator conveyed or parted with lands in the will described by local description, and that it was not intended or desired that the registration of the will should affect such lands, the registrar shall not register, copy or enter the will as an instrument affecting such lands, nor shall he be entitled to any fees for registering and making entries and certificates in respect thereof, but shall only be entitled to the same fees in respect of the registry of such will as he would have been entitled to, had the will not contained any devise or gift of or reference to such lands by local description. Registration of will where testator has made subsequent conveyance of lands.

No. 109.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Registry Act.

First Reading, 28th February, 1890.

MR. CLARKE,  
(*Wellington.*)

TORONTO :  
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. *The Registry Act* is amended by adding thereto the following section immediately after section 64 thereof :

Rev. Stat., c  
114, amended.

64 (a) Where the copy of will or of letters of probate or letters of administration has attached to it, when left or offered for registry, an affidavit or statutory declaration by the executor or administrator to the effect that after making the will the testator conveyed or parted with lands in the will described by local description, and that it was not intended or desired that the registration of the will should affect such lands, and if, in addition, it appears by the registered entries respecting such lands that the testator had parted with all his interest in or title to the said lands, the registrar shall not register, copy or enter the will as an instrument affecting such lands, nor shall he be entitled to any fees for registering and making entries and certificates in respect thereof, but shall only be entitled to the same fees in respect of the registry of such will as he would have been entitled to, had the will not contained any devise or gift of or reference to such lands by local description.

Registration of  
will where tes-  
tator has made  
subsequent  
conveyance of  
lands.



No. 109.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend The Registry Act.

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First Reading,	28th February,	1890.
Second       "	17th March,	1890.

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*(Reported as amended by Select Committee.)*

MR. CLARKE,  
(Wellington.)

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

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No. 110.]

## BILL.

[1890.]

### An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Sub-section 2 of section 34 of *The Assessment Act* is  
5 amended by inserting after the word "bank" in the first line thereof the words "or of a building society or of a company  
incorporated for the purpose of lending money on the security  
of real estate."
- Rev. Stat., c.  
193, s. 34, sub-  
s. 2, amended.

No. 110.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Assessment Act.

First Reading 28th February, 1890.

Mr. GUTHRIE.

TORONTO :

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. WEST.

## An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Assessment Act* is amended by adding after section 29, the following as sections 29*a*, 29*b*, 29*c* and 29*d*: Rev. Stat. c. 193 amended.

5     29*a*. Plank or gravel toll roads shall be assessed as real Assessment of toll roads.  
estate in the municipality in which the same are situate, and in making the assessment the assessor shall take into consideration the value of (1) the land occupied by the road, (2) the materials employed in the superstructure, (3) toll houses,  
10 buildings and gates on the road, (4) quarries and gravel pits and roads to and from such places, and used in connection therewith.

15     29*b*. Every plank or gravel toll road owned by one minor municipality and situate in another municipality, shall be Toll roads owned by another municipality.  
assessed in the municipality in which such road is situate.

20     29*c*. Every plank or gravel toll road owned by the Dominion of Canada, or by the Province of Ontario, or by any municipality, corporation or person, upon which any toll is established, whether leased to a tenant or not, shall be assessed in Toll roads owned by governments, counties or cities.  
the municipality in which the same is situate.

25     29*d*. Every plank or gravel toll road extending through several municipalities shall be assessed in each municipality in Toll roads passing through several municipalities.  
proportion to the value of the portion of the road situate therein, whether toll is collected upon the said road in that  
municipality or not.

No. 111.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Assessment Act.

First Reading 17th February, 1890.

MR. AVERY.

TORONTO:

PRINTED BY WALKER & SON, 68 & 70 FRONT ST. WEST.



## The Assessment Amendment Act, 1890.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Assessment Act* is amended by adding after section 29, the following as sections 29a, 29b, and 29c: Rev. Stat. c. 193, amended.

29a. Plank, gravel, macadamized or other toll roads shall be assessed as real estate in the municipality in which the same are situate, and in making the assessment the assessor shall take into consideration the value of (1) the land occupied by the road, (2) the materials employed in the superstructure, (3) toll houses, buildings and gates on the road, (4) quarries and gravel pits and roads to and from such places, and used in connection therewith, but this section shall not include bridges 100 feet in length or over, and the approaches thereto, which are on or along such toll road and which are used therewith. Assessment of toll roads.



29b. Every toll road owned by any municipality, corporation or person, upon which any toll is established, whether leased to a tenant or not, shall be assessed in the minor municipality in which the same is situate, and where the road extends or runs into or through more *minor* municipalities than one, each minor municipality shall assess that part thereof which lies within its limits, and according to the value of that part, whether a toll gate or bar is or is not upon the road in that municipality. Toll roads owned by counties or cities.

29c. The stock or shares held by any person in any toll road and the dividends or income derivable therefrom are hereby exempted from assessment.

2. Sub-section 3 of section 68 of *The Assessment Act* is amended by adding thereto the following: "and shall, if *in his opinion* the appeals or any of them appear to involve the calling or examination of witnesses, fix the place for holding such court within the municipality from the court of revision of which such appeal is made, or at the place nearest thereto where the sittings of the division court within his jurisdiction are held." Rev. Stat. c. 193, s. 68, sub-s. 3, amended. Places for hearing appeals from courts of revision.

3. Section 124 of *The Assessment Act* is amended by inserting in said section immediately after the words, "his agent," where they occur in the fourth line thereof, the words "subject to the exemption provided for by sections 27 and 28 of *The Act respecting the Law of Landlord and Tenant*." Rev. Stat. c. 193, s. 124, amended. Rev. Stat. c. 143.

Appointment  
of court of  
revision in  
large cities.

 4. Notwithstanding anything contained in sections 55 and 56 of *The Assessment Act*, the council of any city having a population of 100,000 or over, may by by-law appoint in each year as the court of revision for the municipality three persons, none of whom shall be a member or officer of, or in the employment of the city council, and may provide by the same or any other by-law for the payment of the members of such court of revision; and such persons so appointed shall be a court of revision for such city, and the court shall have the same powers as a court of revision appointed under the above sections, and those sections of *The Assessment Act* and *Municipal Act* which apply to courts of revision, and are not inconsistent herewith shall apply hereto, and this section may be read therewith. 



4th Session, 6th Legislature, 53 Vic, 1890

BILL.

The Assessment Amendment Act, 1890.

First Reading, 17th February, 1890.  
Second " 28th March, 1890.

*(Reprinted as amended by Municipal  
Committee.)*

MR. AWREY.

TORONTO :

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

An Act to amend the Act to impose a Tax on Dogs,  
and for the Protection of Sheep,

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section 1 of *The Act to impose a Tax on Dogs and for* Rev. Stat., c.  
5 *the Protection of Sheep* is hereby repealed and the following is substituted therefor: Rev. Stat., c. 214, s. 1, repealed.

1. Subject to the provision in the following section, there shall be levied annually, in every Municipality in Ontario, upon the owner, possessor or harbourer of each dog therein an annual tax of \$1 for a dog and \$3 for a bitch, and for each dog after the first \$2, and for each bitch \$5. Annual tax on dogs.

2. Section 2 of said Act is hereby repealed and the following substituted therefor:— Rev. Stat., c. 214, s. 2, repealed.

2. Upon the petition of 50 ratepayers it shall be lawful for the council of any township, upon giving three months' notice thereof in some public journal, published in the municipality or in the nearest adjoining municipality, to declare by by-law that the said tax or any part of it shall not be levied in said municipality. Municipal Council may declare that tax not to be levied.

3. Section 4 of the said Act is hereby amended by inserting the word "possessor" after the word "owner" in the first line of the said section. Rev. Stat., c. 214, s. 4, amended.

4. Section 5 of the said Act is hereby amended by inserting the word "possessor" after the word "owner" in the third line of the said section. Rev. Stat., c. 214, s. 5, amended.

5. Section 6 of the said Act is hereby amended by striking out all the words between the word "owners" in the sixth line and the word "and" in the tenth line and inserting in lieu thereof the words "possessors or harbourers thereof, and the said Justice shall, by the said order, direct the said constable to destroy such dogs in case the owners, possessors or harbourers neglect to do so within forty-eight hours after service of the said notice." Rev. Stat., c. 214, s. 6, amended.

6. Section 9 of the said Act is hereby amended by adding the following thereto: "or which he finds straying on any farm unless such dog is securely muzzled or accompanied by and under control of the owner or other person in charge"; or which is found attacking any person or vehicle on the public highway. Rev. Stat., c. 214, s. 9, amended.



Rev. Stat., c.  
214, s. 17,  
amended.

7. Section 17 of the said Act is hereby amended by inserting after the words "aggrieved party" in the eighth line of the said section the words "two-thirds of"; and by striking out the words "saving and excepting" in the tenth line and inserting instead the words "in addition to."

5

Rev. Stat., c.  
214 ss. 8,  
and 21, re-  
pealed.

8. Sections 8 and 21 of the said Act are hereby repealed.

Commence-  
ment of Act.

9. This Act shall come into force on the first day of January, 1891.



No. 112.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Act to impose a  
Tax on Dogs and for the Protection of  
Sheep

First Reading, 18th February, 1890.

MR. DRYDEN.

TORONTO :

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

An Act to amend the Act to impose a Tax on Dogs,  
and for the Protection of Sheep,

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Section 1 of *The Act to impose a Tax on Dogs and for the Protection of Sheep* is hereby repealed and the following is substituted therefor: Rev. Stat., c. 214, s. 1, repealed.

1. Subject to the provision in the following section, there shall be levied annually, in every Municipality in Ontario, upon the owner, possessor or harbourer of each dog therein an annual tax of \$1 for a dog and \$3 for a bitch. Annual tax on dogs.

2. Section 2 of said Act is hereby repealed and the following substituted therefor:— Rev. Stat., c. 214, s. 2, repealed.

2. Upon the petition of 50 ratepayers it shall be lawful for the council of any *city, town, township or incorporated village*, upon giving three months' notice thereof in some public journal, published in the municipality or in the nearest adjoining municipality, to declare by by-law that the said tax or any part of it shall not be levied in said municipality. Municipal Council may declare that tax not to be levied.

3. Section 4 of the said Act is hereby amended by inserting the word "possessor" after the word "owner" in the first line of the said section. Rev. Stat., c. 214, s. 4, amended.

4. Section 5 of the said Act is hereby amended by inserting the word "possessor" after the word "owner" in the third line of the said section. Rev. Stat., c. 214, s. 5, amended.


5. Section 6 of the said Act is hereby amended by striking out all the words between the word "owners" in the sixth line and the word "and" in the tenth line and inserting in lieu thereof the words "possessors or harbourers thereof, and the said Justice shall, by the said order, direct the said constable to destroy such dogs in case the owners, possessors or harbourers neglect to do so within forty-eight hours after service of the said notice." Rev. Stat., c. 214, s. 6, amended.

6. Section 9 of the said Act is hereby amended by adding the following thereto: "or which he finds straying on any farm unless such dog is securely muzzled or accompanied by and under control of the owner or other person in charge"; or which is found *molesting or attacking* any person or conveyance on the public highway. Rev. Stat., c. 214, s. 9, amended.

Rev. Stat., c.  
214, s. 17,  
amended.

7. Section 17 of the said Act is hereby amended by inserting after the words "aggrieved party" in the eighth line of the said section the words "two-thirds of"; and by striking out the words "saving and excepting" in the tenth line and inserting instead the words "in addition to."

Rev. Stat., c.  
214 ss. 8,  
and 21, re-  
pealed.

8. Sections 8 and 21 of the said Act are amended by striking out the words "county or union of counties" in the first line thereof and inserting instead thereof the words "city, town, township or incorporated village"; and by striking out sub-section 2 of said section 8. 

Commence-  
ment of Act.

9. This Act shall come into force on the first day of January, 1891.





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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend the Act to impose a  
Tax on Dogs and for the Protection of  
Sheep.

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First Reading, 18th February, 1890.  
Second " 10th March, 1890.

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*(Reprinted as amended by Select Com-  
mittee.)*

MR. DRYDEN.

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TORONTO:

PRINTED BY WARWICK & SON, 68 & 70 FRONT ST. W.

An Act to amend the Act to impose a Tax on Dogs,  
and for the Protection of Sheep,

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Section 1 of *The Act to impose a Tax on Dogs and for the Protection of Sheep* is hereby repealed and the following is substituted therefor:—


Rev. Stat., c.  
214, s. 1, re-  
pealed.

1. Subject to the provision in the following section, there shall be levied annually, in every Municipality in Ontario, upon the owner, possessor or harbourer of each dog therein an annual tax of \$1 for a dog and \$2 for a bitch.

Annual tax on  
dogs.

2. Section 2 of said Act is hereby repealed and the following substituted therefor:—

Rev. Stat., c.  
214, s. 2, re-  
pealed.

2. Upon the petition of 50 ratepayers it shall be lawful for the council of any city, town, township or incorporated village, to *provide* by by-law that the said tax or any part of it shall not be levied in said municipality; ~~and~~ provided, nevertheless, that the owner or possessor of a kennel of pure bred dogs which are registered in the "Canada Kennel Register," may in any year obtain from the treasurer of the municipality a certificate of having paid to such treasurer the sum of \$10 as a tax upon such kennel for that year, and upon the production thereof to the assessor, the owner or possessor of such kennel shall be exempt from assessment and any further tax in respect thereof for the said year. 

Municipal  
Council may  
declare that  
tax not to be  
levied.

3. Section 4 of the said Act is hereby amended by inserting the word "possessor" after the word "owner" in the first line of the said section.

Rev. Stat., c.  
214, s. 4,  
amended.

4. Section 5 of the said Act is hereby amended by inserting the word "possessor" after the word "owner" in the third line of the said section.

Rev. Stat., c.  
214, s 5,  
amended.

5. Section 6 of the said Act is hereby amended by striking out all the words between the word "owners" in the sixth line and the word "and" in the tenth line and inserting in lieu thereof the words "possessors or harbourers thereof, and the said Justice shall, by the said order, direct the said constable to destroy such dogs in case the owners, possessors or harbourers neglect to do so within forty-eight hours after service of the said notice."

Rev. Stat., c.  
214, s 6,  
amended.

Rev. Stat., c.  
214, s. 9,  
amended

6. Section 9 of the said Act is hereby amended by adding the following thereto: "or which he finds straying on any farm unless such dog is securely muzzled or accompanied by and under control of the owner or other person in charge."

Rev. Stat., c.  
214, s. 17,  
amended.

7. Section 17 of the said Act is hereby amended by inserting after the words "aggrieved party" in the eighth line of the said section the words "two-thirds of"; and by striking out the words "saving and excepting" in the tenth line and inserting instead the words "in addition to."

Rev. Stat., c.  
214 ss. 8,  
and 21, re-  
pealed.

8. Sections 8 and 21 of the said Act are amended by striking out the words "county or union of counties" in the first line thereof and inserting instead thereof the words "city, town; township or incorporated village"; and by striking out sub-section 2 of said section 8.

Commence-  
ment of Act.

9. This Act shall come into force on the first day of January, 1891.





No. 112.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend the Act to impose a  
Tax on Dogs and for the protection of  
Sheep.

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First Reading, 18th February, 1890.  
Second " 10th March, 1890.

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*(Reprinted as amended by Committee of the  
Whole House.)*

MR. DRYDEN.

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TORONTO :

PRINTED BY WARWICK & SON, 68 AND 70 FRONT ST. W.

An Act to amend the Act to impose a Tax on Dogs,  
and for the Protection of Sheep,

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section 1 of *The Act to impose a Tax on Dogs and for the Protection of Sheep* is repealed and the following is substituted therefor: Rev. Stat., c.  
214, s. 1, re-  
pealed.

1. Subject to the provision in the following section, there shall be levied annually, in every municipality in Ontario, upon the owner, possessor or harbourer of each dog therein an annual tax of \$1 for a dog and \$2 for a bitch. Provided, nevertheless, that the owner or possessor of a kennel of pure bred dogs which are registered in the "Canada Kennel Register," may in any year obtain from the treasurer of the municipality a certificate of having paid to such treasurer the sum of \$10 as a tax upon such kennel for that year, and upon the production thereof to the assessor, the owner or possessor of such kennel shall be exempt from assessment and any further tax in respect thereof for the said year. Annual tax on  
dogs.

2. Section 2 of said Act is repealed and the following substituted therefor :— Rev. Stat., c.  
214, s. 2, re-  
pealed.

2. Upon the petition of 50 ratepayers it shall be lawful for the council of any city, town, township or incorporated village, to provide by by-law that the said tax or any part of it shall not be levied in said municipality. Municipal  
Council may  
declare that  
tax not to be  
levied.



3. Section 4 of the said Act is amended by inserting the word "possessor" after the word "owner" in the first line of the said section. Rev. Stat., c.  
214, s. 4,  
amended.

4. Section 5 of the said Act is amended by inserting the word "possessor" after the word "owner" in the third line of the said section. Rev. Stat., c.  
214, s 5,  
amended.

5. Section 6 of the said Act is amended by striking out all the words between the word "owners" in the sixth line and the word "and" in the tenth line and inserting in lieu thereof the words "possessors or harbourers thereof." Rev. Stat., c.  
214, s 6,  
amended.

Rev. Stat., c.  
214, s. 9,  
amended

6. Section 9 of the said Act is amended by adding the following thereto:

 "Or any dog which he finds straying between sunset and sunrise on any farm whereon sheep are kept. Provided, always, that no dog so straying, and which belongs, or is kept, or harbored by the occupant of any premises next adjoining said farm or next adjoining that part of any highway, or lane which abuts on said farm, nor any dog so straying, either when securely muzzled, or when accompanied by, or being within reasonable call or control of any person owning, or possessing, or having the charge or care of said dog, shall be so killed unless there is reasonable apprehension that such dog, if not killed, is likely to pursue, worry, or wound sheep or lambs then on the said farm" 

Rev. Stat., c.  
214, s. 17,  
amended.

7. Section 17 of the said Act is amended by inserting after the words "aggrieved party" in the eighth line of the said section the words "two-thirds of"; and by striking out the words "saving and excepting" in the tenth line and inserting instead the words "in addition to."

Rev. Stat., c.  
214 ss. 8,  
and 21, re-  
pealed.

8. Sections 8 and 21 of the said Act are amended by striking out the words "county or union of counties" in the first line thereof and inserting instead thereof the words "city, town, township or incorporated village"; and by striking out sub-section 2 of said section 8.

Commence-  
ment of Act.

9. This Act shall come into force on the first day of January, 1891.



BILL.

An Act to amend the Act to impose a  
Tax on Dogs and for the protection of  
Sheep.

First Reading,	18th February, 1890.
Second "	10th March, 1890.

(*Reprinted as again amended by Com-  
mittee of the Whole House*).

MR. DRYDEN.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W



## An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Whenever any municipal corporation is or becomes  
5 entitled by law, or by any statutory provision, or by any agreement now or hereafter existing, to expropriate, acquire, or take possession of any real or personal property at any specified date on payment of the value thereof to be determined by arbitration, after having duly given any notice  
10 required by law, or by any agreement between the said municipality and any party or parties, the corporation shall be entitled to, and may take possession of such real or personal property upon said date pending the determination of such value. Provided that the High Court of Justice, or any Judge  
15 thereof, may, upon the application of any person interested in such property, order that the municipality shall give security to the satisfaction of the court, or of any officer thereof, for the due payment of the value of such property at the date when the municipality became entitled to take possession with  
20 interest from the date upon which the municipality took possession thereof as aforesaid, and such security in the discretion of the court or judge may be given by the bond of such municipality without other security.

Municipalities may enter upon expropriated property pending arbitration.

Proviso.

No. 113.

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4th Session, 6th Legislature, 33 Vic, 1890.

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BILL.

An Act to amend the Municipal Act.

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First Reading, 18th February, 1890.

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MR. OSTROM.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 114.]

## BILL.

[1890.]

### An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 77 of *The Municipal Act* is Rev. Stat. c.  
5 amended by adding after the words "no high school trustee," 184, s. 77,  
in the seventh line of the said sub-section the words, "no sub-sec. 1  
member of a board of education." amended.

2. Sub-section 1 of section 320 of the said Act is hereby Rev. Stat.  
amended by inserting the words "or in aid of any waterworks c. 184, s. 320,  
10 or water company," immediately after the word "railway" in sub-sec. 1,  
the second line of said sub-section. amended.

3. Sub-section 10 of section 479 of said Act is hereby Rev. Stat.  
amended by inserting the words "or of waterworks supplying c. 184, s. 479,  
water within its limits," immediately after the word "limits," sub-sec. 10  
15 in the second line of said sub-section. amended.

No. 114.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 18th February, 1890.

MR. STRATTON.

TORONTO:

PRINTED BY WALKER & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend the Timber Slide Companies' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 40 of <i>The Timber Slide Companies' Act</i> is hereby repealed and the following substituted therefor:		Rev. Stat., c. 160, s. 40, repealed.	
40. The tolls to be collected upon different kinds of timber shall bear to each other the following proportions, viz.:		Ratio of tolls.	
	Red and white pine, tamarac, spruce and hemlock, square or waney board.....	per piece	\$ cts. 0 1
10	Oak, elm and other hardwood, square or flatted or waney board.....	"	0 1½
	Spars.....	"	0 3
	Masts.....	"	0 5
15	Sawlogs, 17 ft. and under.....	"	0 1¼
	Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	"	0 1⅓
20	Red and white pine, tamarac, spruce and hemlock round or flatted, 25 ft. to 35 ft. long.....	"	0 5/12
	Red and white pine tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	"	0 2/3
25	Sawed lumber, board measure.....	per 1,000 ft.	0 3
	Staves.....	"	0 15
	Firewood, shingle bolts and other lumber.....	per cord	0 2
30	Railway ties other than cedar, in 8 or 16 ft. lengths.....	per l'h of 8 ft.	0 1/12
	Cedar, round or flatted, 8 ft. long or under.....	per piece	0 1/16
	Cedar, round or flatted, over 8 ft. and under 17 ft. long.....	"	0 1/8
35	Cedar, round or flatted, over 17 ft. and under 25 feet long.....	"	0 1/5
	Cedar, round or flatted, over 25 ft. and under 35 ft.....	"	0 1/3
40	Cedar, round or flatted, 35 ft. and upwards.....	"	0 1/2

(See Statutes of Canada, 43 Vic., Chap. 9.)



No. 115.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend the Timber Slide Companies' Act.

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First Reading, 18th February, 1890.

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Mr. BRONSON.

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TORONTO :

PRINTED BY MAWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend the Timber Slide Companies' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 40 of *The Timber Slide Companies' Act* is hereby repealed and the following substituted therefor: Rev. Stat.,  
c. 160, s. 40,  
repealed.

40. The tolls to be collected upon different kinds of timber shall bear to each other the following proportions, viz: Ratio of tolls.

		\$	cts.
Red and white pine, tamarac, spruce and hemlock, square or waney board.....	per piece	0	1
Oak, elm and other hardwood, square or flatted or waney board.....	"	0	1½
Spars.....	"	0	3
Masts.....	"	0	5
Sawlogs, 17 ft. and under.....	"	0	1/6
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	"	0	1/4
Red and white pine, tamarac, spruce and hemlock round or flatted, 25 ft. to 35 ft. long.....	"	0	1/3
Red and white pine tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	"	0	1/2
Sawed lumber, board measure.....	per 1,000 ft.	0	3
Staves.....	"	0	15
Cords of wood, shingle bolts and other lumber.....	per cord of 128 feet	0	2
Railway ties other than cedar, in 8 or 16 ft. lengths.....	per l'h of 8 ft.	0	1/18
Cedar, round or flatted, 8 ft. long or under.....	per piece	0	1/24
Cedar, round or flatted, over 8 ft. and under 17 ft. long.....	"	0	1/12
Cedar, round or flatted, over 17 ft. and under 25 feet long.....	"	0	1/8
Cedar, round or flatted, over 25 ft. and under 35 ft.....	"	0	1/5
Cedar, round or flatted, 35 ft. and upwards.....	"	0	1/3

(See Statutes of Canada, 43 Vic., Chap. 9.)

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Timber Slide Companies' Act.

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First Reading, 18th February, 1890.  
Second " 26th February, 1890.

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*(Reprinted as amended by Select Committee.)*

Mr. BRONSON.

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TORONTO :  
PRINTED BY WARWICK & SON, 68 & 70 FRONT ST. W

An Act to amend the Act respecting the Driving of Sawlogs and other Timber on Lakes, Rivers, Creeks and Streams.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 16 of *The Sawlogs Driving Act* is amended by adding thereto the following sub-section:—

Rev. Stat. c.  
121, s. 16,  
amended.

2) The said arbitrators shall in all cases use the following scale as a basis for calculating and fixing the proportion in which parties to any arbitration proceedings under this Act shall bear the burden and expense of driving all material within the meaning of this Act.

Scale to be  
used by  
arbitrators.

#### SCALE.

1	Pine saw-log, 17 feet and under.....	1	standard.
1	Cedar, over 8 feet and under 17 feet.....	1	"
2½	Cedars, 8 feet and under.....	1	"
2½	R.R. Ties, flatted.....	1	"
1½	R.R. Ties, round.....	1	"
1	Hemlock, Ash, etc., log, 17 feet and under.....	1½	"
1	Piece round, flatted or square timber, over 17 feet and under 25 feet long.....	1½	"
1	Piece round, flatted or square timber, over 25 feet and under 35 feet long.....	2	"
1	Piece round, flatted or square timber, 35 feet long and over..	3	"

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Act respecting the  
Driving of Sawlogs and other Timber on  
Lakes, Rivers, Creeks and Streams.

First Reading, 18th February, 1890.

MR. OSTROM.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



## An Act to amend The Manhood Suffrage Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 3 of *The Manhood Suffrage Act* is amended <sup>51 V., cap. 4,</sup>  
 5 by striking out the word "Province" in the eighth line <sup>sec. 3</sup>  
 thereof, and inserting in lieu thereof the word "Dominion," <sup>amended.</sup>  
 and by inserting after the word "aforesaid" in the eighteenth  
 line of said section the words: "for beginning to make said  
 roll or for making such complaint as the case may be."

10 2. Section 10 of the said Act is hereby amended by adding <sup>51 V., cap. 4,</sup>  
 as subsection 2 the following:— <sup>sec. 10</sup>  
<sup>amended.</sup>

(2) But no person shall be entitled to have his name entered  
 upon the assessment roll under *The Manhood Suffrage Act*  
 whose age is given at 22 or under and whose name does not  
 15 appear on the voters' lists for the previous year, without deliver-  
 ing or causing to be delivered to the assessor an affidavit signed  
 by himself in the form or to the effect set forth in form A  
 appended to chapter 5, of the Acts passed in the 52nd year of  
 Her Majesty's reign, or an affidavit signed by one of his parents  
 20 on his behalf in the form or to the effect set forth in form A  
 appended to this Act.

## FORM A.

I,  
 and say that my son  
 is of the full age of 21 years.

make oath

Sworn, &amp;c., &amp;c.

} Signature of Parent.

No. 117.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Manhood Suffrage  
Act.

First Reading, 18 February, 1890.

MR. MEACHAM.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 118.]

## BILL.

[1890.]

### An Act to amend The Municipal Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Whenever there is a dispute between a county council  
5 and the council of any other municipality as to whether the  
duty or liability to build or maintain a bridge on any river or  
stream belongs to or rests upon such county council or such  
other council, either party to the dispute may bring and pro-  
secute an action in the High Court of Justice for Ontario  
10 against the other to try the question in dispute, or the said  
Court may, upon the application of either party, compel by  
mandamus the performance, by the party upon or to whom  
such duty or liability rests or belongs, of such duty or liability.

Proceedings  
where liability  
of municip-  
ality to  
erect bridge  
disputed.

No. 118.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 18 February, 1890.

ALF. MURDITH.

TORONTO :

PRINTED BY WARREN & SOSS, 68 AND 70 FRONT ST. W.

## An Act to amend the Election Act as to Secrecy of Voting.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Previously to any general or other election of members of the Legislative Assembly, the clerk of the Court in Chancery shall procure to be printed in conspicuous characters a notice as to secrecy, according to form A in the schedule to this Act, and shall transmit by post to the returning officer of every electoral division in which there is to be a contest, such number of copies as he may deem sufficient to supply every deputy returning officer with ten copies, one copy of which the deputy returning officer shall placard conspicuously outside the polling place, and one copy conspicuously within the polling place, and he shall see that they remain so placarded from the opening until the close of the poll. (R.S.O., c. 9, ss. 68, 69.)

Notices as to secrecy to be sent to returning officers before elections.

2.—(1) The clerk of the Crown in Chancery shall also procure to be printed forms of the oaths of secrecy to be taken by returning officers, deputy returning officers, clerks and agents, sufficient in his judgment to supply the number required in any and every electoral division in which there is to be a contest, and shall send to the returning officer, with the printed notices mentioned in the preceding section, six copies of the said forms of oaths, unless he ascertains from the returning officer or otherwise that a larger number may be needed, and in that case such larger number shall be sent. The returning officer will deliver to the deputy returning officers as many of these forms as are needed.

Forms of oaths of secrecy to be sent to returning officers.

(2) In case the forms of the oath or a sufficient number of them are not received by the returning officer or deputy returning officer, the non-receipt thereof shall not dispense with the making of the oaths; and the same may be written or printed otherwise.

Non-receipt of forms not to dispense with oaths.

3. The oath of secrecy to be taken by every returning officer and every other officer, and every clerk and agent authorized to attend at a polling place, or at the counting of the votes, before entering on his duties shall be to the effect set forth in the form B in the schedule to this Act, in lieu of the statutory declaration in form No. 31, in schedule A to *The Ontario Election Act*.

Form of oath before commencing duties.



Form of oath  
to be taken  
after closing of  
poll.

4. The oaths to be made by the deputy returning officer and poll clerk respectively after the closing of the poll shall be according to the forms B and C in the schedule hereto, which forms are hereby substituted for the forms numbered 29 and 30 in the schedule to *The Ontario Election Act*.

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Oaths to be  
placed in  
packet with  
commissions  
of officers.

5. After the completing of the counting of the votes by the deputy returning officer, the several oaths to be made by him and the poll clerk shall be put up in the packet with the commissions as provided in section 110 (i) of the said *Election Act*.

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Oath of person  
delivering  
packets.

6. In case the deputy returning officer, owing to illness or other cause, is unable to deliver the packets personally to the returning officer, the person chosen by him to deliver the same shall after having delivered the same accordingly make oath to the effect of form E. (R.S.O., c. 9, s. 111.)

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Oath of  
returning  
officer after  
transmitting  
return.

7. An oath to the effect set forth in form F in the schedule to this Act shall be taken by every returning officer forthwith after transmitting his return to the clerk of the Crown in Chancery under the 128th section of *The Ontario Election Act*, and the said oath shall be thereupon forthwith transmitted to the clerk of the Crown in Chancery, by post and in an envelope duly registered.

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Proceedings  
where officers  
aware of viola-  
tion of secrecy.

8. In case any returning officer, deputy returning officer or clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, it shall be his duty to communicate the particulars, with all convenient speed, to the County Crown Attorney; and it shall be the duty of the County Crown Attorney on receiving such information from such or any other person to forthwith enquire into the case as may be necessary, and to prosecute the offender as in the case of any other criminal offence.

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## SCHEDULE.

### FORM A.

*To be put up at all Polling Places.*

#### NOTICE AS TO SECRECY OF VOTING.

It is the sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, not to attempt to ascertain how any person is about to vote or has voted; and not to attempt to see or ascertain, at the counting, the number on the back of any ballot paper, or the number on any counterfoil; and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is the further sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable, on summary conviction before a stipendiary magistrate or before two justices of the peace, to imprisonment with hard labor for six months.

By section 182 of *The Ontario Election Act*, it is further provided, among other things, that no person shall open or otherwise interfere with any ballot-box or package of ballot papers in use for the purposes of the election, or shall attempt to do so; and that any person guilty of any violation of this section shall be liable, if he is the returning officer, to imprisonment for two years, with hard labour, and if he is any other person, to imprisonment for six months, with hard labour.

Section 186 provides that, in addition to every other penalty and liability, any officer or clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of the Act, shall forfeit to any person aggrieved by the misfeasance, act or omission, a penal sum of \$400.

This notice is placarded by order of the Legislature.

CHARLES T. GILLMOR,

*Clerk of the Crown in Chancery.*

## FORM B.

### OATH OF SECRECY.

*Substituted for Form 31 in Election Act.*

I, the undersigned, solemnly promise and swear that I will not attempt to ascertain, and will not by any means in my power permit any other person to ascertain, how any person is about to vote or shall have voted at the election.

I further solemnly swear that I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

I further solemnly swear that I will in all respects maintain, and aid in maintaining, the absolute secrecy of the voting at the polling place.

So HELP ME GOD "

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid. (*R.S.O. c. 9, s. 208.*)

## FORM C.

### OATH OF THE DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

*Substituted for Form 29 in the Election Act.*

I, the undersigned, Deputy Returning Officer for the

Polling Sub-division of the Township (or as the case may be), of \_\_\_\_\_, in the Electoral District of \_\_\_\_\_, do solemnly swear that to the best of my knowledge the annexed voters' list used in and for the said \_\_\_\_\_ Polling Sub-division of the said \_\_\_\_\_ was so used under my direction in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

And I solemnly swear that at the counting of the ballots at the close of the polling I kept the ballot papers with their printed faces upwards as required by law; that I took all proper precautions for preventing any person from seeing the numbers printed on the back of the ballot papers; that I did not by any means whatever attempt at the counting to ascertain, or permit myself to ascertain, the number on the back of any ballot paper; that I have not by any means whatever attempted to ascertain for whom any person at this election voted; and that I did not permit any other person to obtain at any time any information as to any of the said particulars.

I further solemnly swear that I have not communicated and will not hereafter communicate to any person directly or indirectly any information as to the candidate for whom any vote has been or shall be given, or any information which might or may enable or assist any person to ascertain how any person has voted.

(Signed) \_\_\_\_\_ C. D.  
Deputy Returning Officer.

Sworn and subscribed before me at \_\_\_\_\_, this  
day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_.

(Signed) \_\_\_\_\_ X. Y.,  
Justice of the Peace.  
Or \_\_\_\_\_ A. B.,  
Returning Officer.  
Or, \_\_\_\_\_ C. D.,  
Election Clerk.

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

NOTE. — *Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid. (R.S.O. c. 9, s. 208).*

#### FORM D.

#### OATH OF THE POLL CLERK AFTER THE CLOSING OF THE POLL.

*Substituted for form 30 in Schedule to Ontario Election Act.*

I, the undersigned, Poll Clerk for the \_\_\_\_\_ Polling Sub-division of \_\_\_\_\_, in the Electoral District of \_\_\_\_\_ do solemnly swear that the annexed voters' list used in and for the said \_\_\_\_\_ Polling Sub-division of the said \_\_\_\_\_ under the direction of \_\_\_\_\_, who has acted as Deputy Returning Officer for such Polling Sub-division, has been so used by me under his direction as aforesaid, and that the entries required by law to be made therein have been so made by me correctly and to the best of my skill and judgment.

And I solemnly swear that I have not attempted by any means whatever to see or ascertain at the counting of the ballot paper the number on the back of any ballot paper; and that I have not by any means whatever attempted to ascertain for whom any voter at this election voted.

I further solemnly swear that I have not communicated, and will not hereafter communicate, to any person directly or indirectly any information as to the candidate for whom any vote has been or shall be given, or any information which may enable any person to ascertain how any person has voted.

(Signed) *E. F.*  
Poll Clerk.

Sworn and subscribed before me at this  
day of , A.D. 18 .

(Signed) *X. Y.*,  
Justice of the Peace, (or, Deputy Returning Officer,) (or,  
as the case may be. *R. S. O. c. 9, ss. 207.*

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid. R. S. O. c. 9, ss. 208.*

#### FORM E.

*Oath by messenger where the Deputy Returning Officer is unable to deliver packets to the Returning Officer.*

I, \_\_\_\_\_ solemnly swear that I am  
the person to whom  
deputy returning officer for the polling division of the  
of \_\_\_\_\_ in the electoral district of  
delivered the election packets for the said polling division, to  
be delivered to \_\_\_\_\_, returning officer for the  
said electoral district, in consequence of the said deputy being  
unable through illness or some other cause to deliver the same  
personally to the returning officer; that the packets which I  
have delivered to the said returning officer this day are all the  
packets I so received; that I have not opened any of them,  
and that they have not been opened by any other person since  
I received them from the said deputy returning officer.

SO HELP ME GOD.

Sworn and sub-  
scribed, etc. }

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

## FORM F.

*Oath to be taken by Returning Officer after transmitting his Return to the Clerk of the Crown in Chancery.*

" I, \_\_\_\_\_ returning officer for the electoral division of \_\_\_\_\_ swear that, of the packets received by me as such returning officer from the deputy-returning officers in respect of the recent election of a member of the Legislative Assembly for the said electoral division, I have not opened, or permitted to be opened, any of the packets containing the ballot papers or the counterfoils; that I have not opened, or permitted to be opened, any of the packets so received except those authorized and directed to be opened by a returning officer by and under the 117th section of the *Ontario Election Act*; and that none of the other packets were opened by any person since they were returned to me by the deputy returning officers. (*Or, in case of there having been a recount by the County Judge, add, except by the county judge on a recounting of the votes by the said judge.*)

" I further swear that I have not attempted to ascertain, and have not ascertained, from the ballot papers or other contents of any of the said packets, how any person voted.

" I further swear that I have this day and before swearing to this oath transmitted to the clerk of the Crown in Chancery my return with respect to the said election, as required by law.

" SO HELP ME GOD."

Sworn and sub-  
scribed, etc. }

NOTE — *Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid. R. S. O. c. 9, s. 208.*





No. 119.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Election Act as to  
Secrecy of Voting.

First Reading, 15th February, 1890.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS 65 AND 70 FRONT ST. W.

## BILL.

## An Act to amend the Election Act as to Secrecy of Voting.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Previously to any general or other election of members of the Legislative Assembly, the clerk of the Crown in Chancery shall procure to be printed in conspicuous characters a notice as to secrecy, according to form A in the schedule to this Act, and shall transmit by post to the returning officer of every electoral division in which there is to be a contest, such number of copies as he may deem sufficient to supply every deputy returning officer with ten copies, one copy of which the deputy returning officer shall placard conspicuously outside the polling place, and one copy conspicuously within the polling place, and he shall see that they remain so placarded from the opening until the close of the poll. (R.S.O., c. 9, ss. 68, 69.)

Notices as to secrecy to be sent to returning officers before elections.

(2) The said notice may be either separate from or added to the notice for the guidance of voters in voting, being form 13 in the schedule to *The Ontario Election Act*.

2.—(1) The clerk of the Crown in Chancery shall also procure to be printed forms of the oaths of secrecy to be taken by returning officers, deputy returning officers, clerks and agents, sufficient in his judgment to supply the number required in any and every electoral division in which there is to be a contest, and shall send to the returning officer, with the printed notices mentioned in the preceding section, *such number of copies of the said forms of oaths, as may be needed*. The returning officer will deliver to the deputy returning officers as many of these forms as *may be needed at their polling places respectively*.

Forms of oaths of secrecy to be sent to returning officers.

(2) In case the forms of the oath or a sufficient number of them are not received by the returning officer or deputy returning officer, the non-receipt thereof shall not dispense with the making of the oaths; and the same may be written or printed otherwise.

Non-receipt of forms not to dispense with oaths.

3. The oath of secrecy to be taken by every returning officer and every other officer, and every clerk and agent authorized to attend at a polling place, or at the counting of the votes, before entering on his duties shall be to the effect set forth in the form B in the schedule to this Act, in lieu of the statutory declaration in form No. 31, in schedule A to *The Ontario Election Act*.

Form of oath before commencing duties.

Deputy re-  
turning officer  
not to open  
ballots while  
examining  
numbers.

4. The examination of the ballot papers by the deputy returning officer after the close of the polling to ascertain if the ballot papers are the ballot papers which he had supplied shall be made and completed before opening the ballot papers in order to count the same, and in making this examination he shall look at the backs only and so far only as may be necessary for the said purpose, and without opening any ballot paper, or seeing or permitting anyone to see the front thereof.

Form of oath  
to be taken  
after close of  
poll.

5. The oaths to be made by the deputy returning officer and poll clerk respectively after the closing of the poll shall be according to the forms C and D in the schedule hereto, which forms are hereby substituted for the forms numbered 29 and 30 in the schedule to *The Ontario Election Act*.

Oaths to be  
placed in  
packet with  
commissions  
of officers.

6. After the completing of the counting of the votes by the deputy returning officer, the several oaths to be made by him and the poll clerk shall be put up in the packet with the commissions as provided in section 110 (i) of the said *Election Act*.

Oath of person  
delivering  
packets.

7. In case the deputy returning officer, owing to illness or other cause, is unable to deliver the packets personally to the returning officer, the person chosen by him to deliver the same shall after having delivered the same accordingly make oath to the effect of form E. (R.S.O., c. 9, s. 111.)

Oath of  
returning  
officer after  
transmitting  
return.

8. An oath to the effect set forth in form F in the schedule to this Act shall be taken by every returning officer forthwith after transmitting his return to the clerk of the Crown in Chancery under the 128th section of *The Ontario Election Act*, and the said oath shall be thereupon forthwith transmitted to the clerk of the Crown in Chancery, by post and in an envelope duly registered.

Proceedings  
where officers  
aware of viola-  
tion of secrecy.

9. In case any returning officer, deputy returning officer or clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, it shall be his duty to communicate the particulars, with all convenient speed, to the County Crown Attorney; and it shall be the duty of the County Crown Attorney on receiving such information from such or any other person to forthwith enquire into the case as may be necessary, and to prosecute the offender as in the case of any other criminal offence.

## SCHEDULE.

### FORM A.

*To be put up at all Polling Places.*

#### NOTICE AS TO SECRECY OF VOTING.

It is the sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, not to attempt to ascertain how any person is about to vote or has

voted; and not to attempt to see or ascertain, at the counting, the number on the back of any ballot paper, or the number on any counterfoil; and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is the further sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable, on summary conviction, before a stipendiary magistrate or before two justices of the peace, to imprisonment with hard labor for six months.

By section 182 of *The Ontario Election Act*, it is further provided, among other things, that no person shall open or otherwise interfere with any ballot-box or package of ballot papers in use for the purposes of the election, or shall attempt to do so; and that any person guilty of any violation of this section shall be liable, if he is the returning officer, to imprisonment for two years, with hard labour, and if he is any other person, to imprisonment for six months, with hard labour.

Section 186 provides that, in addition to every other penalty and liability, any officer or clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of the Act, shall forfeit to any person aggrieved by the misfeasance, act or omission, a penal sum of \$400.

This notice is placarded by order of the Legislature.

CHARLES T. GILLMOR, (*as the case may be*)  
*Clerk of the Crown in Chancery.*

## FORM B.

### OATH OF SECRECY.

*Substituted for Form 31 in Election Act.*

I, the undersigned, solemnly promise and swear that I will not attempt to ascertain, and will not by any means in my power permit any other person to ascertain, how any person is about to vote or shall have voted at the election ~~save~~ save and except what may be necessary and proper in the case of blind persons or persons unable to read, or incapable of marking their ballot papers as provided in the 101st section of *The Ontario Election Act*.

I further solemnly swear that I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

I further solemnly swear that I will in all respects maintain, and aid in maintaining, the absolute secrecy of the voting at the polling place.

SO HELP ME GOD"





NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid. (R.S.O. c. 9, s. 208.)

### FORM C.


#### OATH OF THE DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

*Substituted for Form 29 in the Election Act.*

I, the undersigned, Deputy Returning Officer for the Polling Sub-division of the Township (or as the case may be), of \_\_\_\_\_, in the Electoral District of \_\_\_\_\_, do solemnly swear that to the best of my knowledge the annexed voters' list used in and for the said \_\_\_\_\_ Polling Sub-division of the said \_\_\_\_\_ was so used under my direction in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

 I further solemnly swear that my examination of the ballot papers after the closing of the polling to ascertain that they were the ballot papers which I had supplied, was made and completed before opening the ballot papers in order to count the same, and that in making this examination I looked at the backs only and so far only as was necessary for the said purpose, and without opening any ballot paper, or seeing or permitting any one to see the front thereof. 

And I solemnly swear that at the counting of the ballots at the close of the polling I kept the ballot papers with their printed faces upwards as required by law; that I took all proper precautions for preventing any person from seeing the numbers printed on the back of the ballot papers; that I did not by any means whatever attempt at the counting to ascertain, or permit myself to ascertain, the number on the back of any ballot paper.

 I further solemnly swear that I have not by any means whatever attempted to ascertain for whom any person at this election voted; and that I did not permit any other person to obtain at any time any information as to any of the said particulars.

I further solemnly swear that I have not communicated and will not hereafter communicate to any person directly or indirectly any information as to *how any voter voted*, or any information which might or may enable or assist any person to ascertain how any person has voted.

(Signed) C. D.  
Deputy Returning Officer.

Sworn and subscribed before me at \_\_\_\_\_, this  
day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_,

(Signed) X. Y.,  
Justice of the Peace.  
Or A. B.,  
Returning Officer.  
Or, C. D.,  
Election Clerk.

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid. (R.S.O. c. 9, s. 208).*

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### FORM D.

#### OATH OF THE POLL CLERK AFTER THE CLOSING OF THE POLL.

*Substituted for form 30 in Schedule to Ontario Election Act.*

I, the undersigned, Poll Clerk for the                      Polling Sub-division of                      , in the Electoral District of                      do solemnly swear that the annexed voters' list used in and for the said                      Polling Sub-division of the said                      under the direction of                      , who has acted as Deputy Returning Officer for such Polling Sub-division, has been so used by me under his direction as aforesaid, and that the entries required by law to be made therein have been so made by me correctly and to the best of my skill and judgment.

And I solemnly swear that I have not attempted by any means whatever to see or ascertain at the counting of the ballot papers the number on the back of any ballot paper; and that I have not by any means whatever attempted to ascertain for whom any voter at this election voted.

I further solemnly swear that I have not communicated, and will not hereafter communicate, to any person directly or indirectly any information as to the candidate for whom any vote has been or shall be given, or any information which may enable any person to ascertain how any person has voted.

(Signed)                      E. F.,  
Poll Clerk.

Sworn and subscribed before me at                      this  
day of                      , A.D. 18                      .

(Signed)                      X. Y.,  
Justice of the Peace, (or, Deputy Returning Officer,) (or,  
as the case may be. R. S. O. c. 9, ss. 207.

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid. R. S. O. c. 9, ss. 208.*

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### FORM E.

*Oath by messenger where the Deputy Returning Officer is unable to deliver packets to the Returning Officer.*

I,                      solemnly swear that I am  
the person to whom                      deputy returning officer for the polling division of the  
of                      in the electoral district of

delivered the election packets for the said polling division, to be delivered to \_\_\_\_\_, returning officer for the said electoral district, in consequence of the said deputy being unable through illness or some other cause to deliver the same personally to the returning officer; that the packets which I have delivered to the said returning officer this day are all the packets I so received; that I have not opened any of them, and that they have not been opened by any other person since I received them from the said deputy returning officer.

SO HELP ME GOD.

Sworn and sub-  
scribed, etc. }

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.

#### FORM F.

*Oath to be taken by Returning Officer after transmitting his Return to the Clerk of the Crown in Chancery.*

“ I, \_\_\_\_\_, returning officer for the electoral division of \_\_\_\_\_ swear that, of the packets received by me as such returning officer from the deputy-returning officers in respect of the recent election of a member of the Legislative Assembly for the said electoral division, I have not opened, or permitted to be opened, any of the packets containing the ballot papers or the counterfoils; that I have not opened, or permitted to be opened, any of the packets so received except those authorized and directed to be opened by a returning officer by and under the 117th section of the *Ontario Election Act*; and that none of the other packets were opened by any person since they were returned to me by the deputy returning officers. (*Or, in case of there having been a recount by the County Judge, add, except by the county judge on a recounting of the votes by the said judge.*)

“ I further swear that I have not attempted to ascertain, and have not ascertained, from the ballot papers or other contents of any of the said packets, how any person voted.

“ I further swear that I have this day and before swearing to this oath transmitted to the clerk of the Crown in Chancery my return with respect to the said election, as required by law

“ SO HELP ME GOD.”

Sworn and sub-  
scribed, etc. }

NOTE — Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid. *R. S. O. c. 9, s. 208.*



No. 119.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the Election Act as to  
Secrecy of Voting.

First Reading, 18th February, 1890.

Second " 13th March, 1890.

*(Reprinted as amended by Committee of  
Whole House).*

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS 68 AND 70 FRONT ST. W.



An Act to amend the Election Act as to Secrecy of Voting.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.—(1) Previously to any general or other election of members of the Legislative Assembly, the clerk of the Crown in Chancery shall procure to be printed in conspicuous characters a notice as to secrecy, according to form A in the schedule to this Act, and shall transmit by post to the returning officer of every electoral division in which there is to be a contest, such number of copies as he may deem sufficient to supply every deputy returning officer with ten copies, one copy of which the deputy returning officer shall placard conspicuously outside the polling place, and one copy conspicuously within the polling place, and he shall see that they remain so placarded from the opening until the close of the poll.

Notices as to secrecy to be sent to returning officers before elections.

(2) The said notice may be either separate from or added to the notice for the guidance of voters in voting, being form 13 in the schedule to *The Ontario Election Act*.

2.—(1) The clerk of the Crown in Chancery shall also procure to be printed forms of the oaths of secrecy to be taken by returning officers, deputy returning officers, clerks and agents, sufficient in his judgment to supply the number required in any and every electoral division in which there is to be a contest, and shall send to the returning officer, with the printed notices mentioned in the preceding section, such number of copies of the said forms of oaths, as may be needed. The returning officer will deliver to the deputy returning officers as many of these forms as may be needed at their polling places respectively.

Forms of oaths of secrecy to be sent to returning officers.



(2) In case the forms of the oath or a sufficient number of them are not received by the returning officer or deputy returning officer, the non-receipt thereof shall not dispense with the making of the oaths; and the same may be written or printed otherwise.

Non-receipt of forms not to dispense with oaths.

3. The oath of secrecy to be taken by every returning officer and every other officer, and every clerk and agent authorized to attend at a polling place, or at the counting of the votes, before entering on his duties shall be to the effect set forth in the form B in the schedule to this Act, in lieu of the statutory declaration in form No. 31, in schedule A to *The Ontario Election Act*.

Form of oath before commencing duties.

Deputy re-  
turning officer  
not to open  
ballots while  
counting or  
examining  
numbers.

 4. The examination of the ballot papers by the deputy returning officer after the close of the polling to ascertain if the ballot papers are the ballot papers which he had supplied shall be made and completed before opening any of the ballot papers, and for the purpose of so ascertaining he shall, after opening the ballot box as mentioned in the 106th section of the said *Election Act*, proceed first to count the whole number of ballot papers in the box without opening any of them, and if the number corresponds with, or does not exceed, the number of persons who voted, no further examination to ascertain as aforesaid shall be made. If the number of ballot papers in the box exceeds the number of persons who voted he shall, without opening the ballot papers, examine the backs thereof so far as may be necessary to see his name or initials, and shall reject any papers not having thereon his name or initials. After such examination is completed to the extent necessary he shall proceed to examine the ballot papers, (or the ballot papers not rejected, as the case may be) in order to count up the votes given for each candidate, as provided for in the said section, keeping the ballot papers with their printed faces upwards, and taking all precautions not to see or to permit any person to see the number printed on the back of any paper. 

Form of oath  
to be taken  
after close of  
poll.

5. The oaths to be made by the deputy returning officer and poll clerk respectively after the closing of the poll shall be according to the forms C and D in the schedule hereto, which forms are hereby substituted for the forms numbered 29 and 30 in the schedule to *The Ontario Election Act*.

Oaths to be  
placed in  
packet with  
commissions  
of officers.

6. After the completing of the counting of the votes by the deputy returning officer, the several oaths to be made by him and the poll clerk shall be put up in the packet with the commissions as provided in section 110 (i) of the said *Election Act*.

Oath of person  
delivering  
packets.

7. In case the deputy returning officer, owing to illness or other cause, is unable to deliver the packets personally to the returning officer, the person chosen by him to deliver the same shall after having delivered the same accordingly make oath to the effect of form E.

Oath of  
returning  
officer after  
transmitting  
return.

8. An oath to the effect set forth in form F in the schedule to this Act shall be taken by every returning officer forthwith after transmitting his return to the clerk of the Crown in Chancery under the 128th section of *The Ontario Election Act*, and the said oath shall be thereupon forthwith transmitted to the clerk of the Crown in Chancery, by post and in an envelope duly registered.

Proceedings  
where officers  
aware of viola-  
tion of secrecy.

9. In case any returning officer, deputy returning officer or clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, it shall be his duty to communicate the particulars, with all convenient speed, to the County Crown Attorney; and it shall be the duty of the County Crown Attorney on receiving such information from such or any other person to forthwith enquire into the case as may be necessary, and to prosecute the offender as in the case of any other criminal offence.

## SCHEDULE.

## FORM A.

*To be put up at all Polling Places.*

## NOTICE AS TO SECRECY OF VOTING.

It is the sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, not to attempt to ascertain how any person is about to vote or has voted; and not to attempt to see or ascertain, at the counting, the number on the back of any ballot paper, or the number on any counterfoil; and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is the further sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable, on summary conviction before a stipendiary magistrate or before two justices of the peace, to imprisonment with hard labor for six months.

By section 182 of *The Ontario Election Act*, it is further provided, among other things, that no person shall open or otherwise interfere with any ballot-box or package of ballot papers in use for the purposes of the election, or shall attempt to do so; and that any person guilty of any violation of this section shall be liable, if he is the returning officer, to imprisonment for two years, with hard labour, and if he is any other person, to imprisonment for six months, with hard labour.

Section 186 provides that, in addition to every other penalty and liability, any officer or clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of the Act, shall forfeit to any person aggrieved by the misfeasance, act or omission, a penal sum of \$400.

This notice is placarded by order of the Legislature.

CHARLES T. GILLMOR, (*as the case may be*)  
*Clerk of the Crown in Chancery.*

## FORM B.

## OATH OF SECRECY.

*Substituted for Form 31 in Election Act.*

I, the undersigned,  
solemnly promise and swear that I will not attempt to ascertain, and will not by any means in my power permit any other person to ascertain, how any person is about to vote or shall

have voted at the election save and except what may be necessary and proper in the case of blind persons or persons unable to read, or incapable of marking their ballot papers as provided in the 101st section of *The Ontario Election Act*.

I further solemnly swear that I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

I further solemnly swear that I will in all respects maintain, and aid in maintaining, the absolute secrecy of the voting at the polling place.

SO HELP ME GOD"

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.

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### FORM C.

#### OATH OF THE DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

*Substituted for Form 29 in the Election Act.*

I, the undersigned, Deputy Returning Officer for the Polling Sub-division of the Township (or as the case may be), of \_\_\_\_\_, in the Electoral District of \_\_\_\_\_, do solemnly swear that to the best of my knowledge the annexed voters' list used in and for the said \_\_\_\_\_ Polling Sub-division of the said \_\_\_\_\_ was so used under my direction in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

I further solemnly swear that my examination of the ballot papers after the closing of the polling to ascertain that they were the ballot papers which I had supplied, was made and completed before opening the ballot papers in order to count the same, and that in making this examination I looked at the backs only and so far only as was necessary for the said purpose, and without opening any ballot paper, or seeing or permitting any one to see the front thereof.

And I solemnly swear that at the counting of the ballots at the close of the polling I kept the ballot papers with their printed faces upwards as required by law; that I took all proper precautions for preventing any person from seeing the numbers printed on the back of the ballot papers; that I did not by any means whatever attempt at the counting to ascertain, or permit myself to ascertain, the number on the back of any ballot paper.

I further solemnly swear that I have not by any means whatever attempted to ascertain for whom any person at this election voted; and that I did not permit any other person to obtain at any time any information as to any of the said particulars.



I further solemnly swear that I have not communicated and will not hereafter communicate to any person directly or indirectly any information as to how any voter voted, or any information which might or may enable or assist any person to ascertain how any person has voted.

(Signed) C. D.  
Deputy Returning Officer.

Sworn and subscribed before me at , this  
day of , A.D. 18 .

(Signed) X. Y.,  
Justice of the Peace.  
Or A. B.,  
Returning Officer.  
Or, C. D.,  
Election Clerk.

NOTE — *The foregoing oath is to be annexed to the voters' list used at the election.*

NOTE.— *Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

#### FORM D.

OATH OF THE POLL CLERK AFTER THE CLOSING OF THE POLL.

*Substituted for form 30 in Schedule to Ontario Election Act.*

I, the undersigned, Poll Clerk for the Polling Sub-division of , in the Electoral District of do solemnly swear that the annexed voters' list used in and for the said Polling Sub-division of the said under the direction of , who has acted as Deputy Returning Officer for such Polling Sub-division, has been so used by me under his direction as aforesaid, and that the entries required by law to be made therein have been so made by me correctly and to the best of my skill and judgment.

And I solemnly swear that I have not attempted by any means whatever to see or ascertain at the counting of the ballot papers the number on the back of any ballot paper; and that I have not by any means whatever attempted to ascertain for whom any voter at this election voted.

I further solemnly swear that I have not communicated, and will not hereafter communicate, to any person directly or indirectly any information as to the candidate for whom any vote has been or shall be given, or any information which may enable any person to ascertain how any person has voted.

(Signed) E. F.,  
Poll Clerk.

Sworn and subscribed before me at this  
day of , A.D. 18 .

(Signed) X. Y.,  
Justice of the Peace, (or, Deputy Returning Officer,) (or,  
as the case may be.



NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

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#### FORM E.

*Oath by messenger where the Deputy Returning Officer is unable to deliver packets to the Returning Officer.*

I, \_\_\_\_\_ solemnly swear that I am  
the person to whom  
deputy returning officer for the polling division of the  
of \_\_\_\_\_ in the electoral district of

delivered the election packets for the said polling division, to be delivered to \_\_\_\_\_, returning officer for the said electoral district, in consequence of the said deputy being unable through illness or some other cause to deliver the same personally to the returning officer; that the packets which I have delivered to the said returning officer this day are all the packets I so received; that I have not opened any of them, and that they have not been opened by any other person since I received them from the said deputy returning officer.

SO HELP ME GOD.

Sworn and sub-  
scribed, etc. }

NOTE.—*Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

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#### FORM F.

*Oath to be taken by Returning Officer after transmitting his Return to the Clerk of the Crown in Chancery.*

"I, \_\_\_\_\_ returning officer for the electoral division of \_\_\_\_\_ swear that, of the packets received by me as such returning officer from the deputy-returning officers in respect of the recent election of a member of the Legislative Assembly for the said electoral division, I have not opened, or permitted to be opened, any of the packets containing the ballot papers or the counterfoils; that I have not opened, or permitted to be opened, any of the packets so received except those authorized and directed to be opened by a returning officer by and under the 117th section of the *Ontario Election Act*; and that none of the other packets were opened by any person since they were returned to me by the deputy returning officers. (Or, in case of there having been a recount by the County Judge, add, except by the county judge on a recounting of the votes by the said judge.)

"I further swear that I have not attempted to ascertain, and have not ascertained, from the ballot papers or other contents of any of the said packets, how any person voted.

"I further swear that I have this day and before swearing to this oath transmitted to the clerk of the Crown in Chancery my return with respect to the said election, as required by law

"SO HELP ME GOD."

Sworn and sub-  
scribed, etc. }

NOTE — *Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm as aforesaid.*

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Cou  
en

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the Election Act as to  
Secrecy of Voting.

First Reading, 18 <sup>th</sup> February, 1890.
Second " 13th March, 1890.

*(Reprinted as again amended by Committee of Whole House).*

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS 68 AND 70 FRONT ST. W.

No. 120.]

## BILL.

[1890.

An Act to amend the law respecting the Lease and  
Sale of Settled Estates.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Notwithstanding anything in *The Judicature Act* or  
5 any other Act contained, the Court of Chancery and the High Court, respectively, shall be deemed to have had, and the High Court shall be deemed to have, power to grant or authorize leases of settled or other estates containing agreements for the renewal or renewals of such leases, and to determine the length of time for which such renewal or renewals may be made ; and all leases of settled or other estates containing provision for their renewal or renewals which have heretofore been allowed and approved by the Court of Chancery or the High Court, are hereby ratified and confirmed, and declared to be valid and binding on all the parties thereto or interested in the lands described therein.
- Renewal  
clauses in  
leases of  
settled estates.

No. 120.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the law respecting the  
Lease and Sale of Settled Estates.

First Reading, 18th February, 1890.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WAEWICK & SONS, 68 AND 70 FRONT ST. W.



No. 121.]

## BILL.

[1890.

An Act to amend the law for securing to Families  
the benefit of Life Insurance.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. In the case of a policy effected before marriage, a declara-  
5 tion under the 5th section of *The Act to secure to Wives and* Rev. Stat. c. 136, to extend to policies effected before marriage.  
*Children the benefit of Life Insurance*, shall be and shall be  
deemed to have been as valid and effectual as if such policy  
had been effected after marriage; but nothing herein contained  
is to affect any action or proceeding now pending. (R.S.O.,  
10 c. 136, sec. 2; *Toronto General Trusts Company v. Sewell*, 17  
Ont. Rep., p. 442).

2. Any person may insure his life for the benefit of his  
mother as well as for the benefit of his wife and children,  
and may apportion the amount as he deems proper; and all  
15 the provisions of the said Act are to be read as if the mother  
of the insured was mentioned therein as well as the wife and  
children. The Act to extend also to insurances for the benefit of a mother.

BILL.

An Act to amend the law for securing to  
Families the benefit of Life Insurance.

First Reading, 18th February, 1890.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 65 AND 70 FRONT ST. W

An Act respecting Official Documents when  
required as Evidence.

WHEREAS it is desirable to retain documents in their original custody as far as possible:

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5     1. Where in any legal proceeding, a registrar of deeds or a clerk of a county court produces upon a subpoena an original document, such original document is not to be deposited in court, except in the case provided for by section 2 of this Act, but if the instrument or a copy is needed for subsequent  
10 reference or use by reason of judgment being postponed or for some other reason, a copy of the document or of so much thereof as the judge deems necessary, certified under the hand of the officer producing the document, shall be marked and  
15 filed as an exhibit in the place of the original where but for this Act the original should be so marked and filed; and the registrar or clerk shall be entitled to receive in addition to his ordinary fees, the fees for making and certifying the copy, the same to be paid to him before the said copy is delivered, marked or filed.
- 20     2. Where there is a question as to the genuineness of the instrument, and the judge deems it necessary for that or any other reason that the original be retained and makes an order to that effect setting forth the reason, such order shall be delivered to the registrar or clerk, and the exhibit shall be re-  
25 tained, in court accordingly, and marked and filed as heretofore.

Copies of  
official docu-  
ments to be  
filed in lieu of  
originals.

Original to be  
retained upon  
order of  
judge.

No. 122.

4th Session, 6th Legislature, 5th Year, 1890

BILL.

An Act respecting Official Documents when  
required as Evidence.

First Reading, 1st February, 1890.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY MAWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to correct a Clerical Error in the Act to make further provision respecting the Districts of Parry Sound and Muskoka.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub section 1 of section 21 of the Act passed in the 50th year of Her Majesty's reign, chapter 13, entitled *An Act respecting Muskoka and Parry Sound*, amended by section 8 of the Act passed in the 52nd year of Her Majesty's reign, chapter 17, entitled *An Act to make further provision respecting the Districts of Parry Sound and Muskoka*, is amended by striking out the word "first" and substituting the word "third" in the fifth line of the said sub-section, and the said sub-section shall be read as follows:—

(1.) "The sittings of the District Court shall be held at the district town on the first Tuesday of the months of June and November of each year, and besides these sittings the District Court of Muskoka and Parry Sound shall hold sittings on the third Tuesday of the month of June, and the third Tuesday of the month of November of each year, at Bracebridge, for trials and assessments by jury, and sittings of the General Sessions of the Peace for Muskoka and Parry Sound shall be held on the same days as the District Court."



4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to correct a Clerical Error in the  
Act to make further provision respecting  
the Districts of Parry Sound and Mus-  
koka.

First Reading, 15th February, 1890.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

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No. 124.]

## BILL.

[1890.

An Act with respect to the powers of Commissioners  
for taking Affidavits.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Commissioners for taking affidavits in any county or  
5 district in this Province, shall be deemed to have power within  
such county or district to take statutory declarations in all  
cases in which statutory declarations may be taken, or may  
be required under the *Act respecting the Devolution of Real* Rev. Stat.  
*Estate*, or under any other Act from time to time in force in c. 108.  
10 this Province.

No. 124.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act with respect to the powers of Commissioners for taking Affidavits.

First Reading, 15th February, 1890.

THE ATTORNEY-GENERAL.

TORONTO:

Printed by WARREN & SONS, 68 AND 70 FRONT ST. W.

No 125.]

## BILL.

[1890.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 479 of *The Municipal Act* is amended by inserting after sub-section 20 of said section the following, as substituted in section 20a :—

Rev. Stat.  
c. 184, s. 479  
amended.

20a For regulating the planting of trees, shrubs or saplings upon or near the boundary lines between the lands of different owners or occupants, and the distance from said boundary lines at which trees, shrubs or saplings may be planted, and for causing trees, shrubs or saplings growing within the distance from such boundaries prescribed by the council to be uprooted or removed; and for the appointment of an inspector whose duty it shall be to see that the provisions of such by-laws are duly observed and carried out.

Regulations as to trees on boundaries between private properties.

No. 125.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The Municipal Act.

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First Reading, 19th February, 1890.

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MR. PACAUD.

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TORONTO :

PRINTED BY WAUGH & SONS, 68 AND 70 FRONT ST. W.



An Act to provide for the appointment of Junior Judges in Provisional Judicial Districts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where the population of a Territory forming a Provisional Judicial District exceeds forty thousand, as shewn by an official census, a junior judge may be appointed for such district. The 52nd section of *The Unorganized Territory Act* shall apply to such junior judge. Appointment of junior judges in Provisional Judicial Districts. Rev. Stat. c. 91.
2. The provisions of the *Local Courts Act* shall apply to such junior judge in the same case as to a junior judge of a County. Rev. Stat. c. 46, to apply. R. S. O. c. 46, s. 12.
3. The powers and authorities exercisable by the senior judge of a Provisional Judicial District to which a junior judge is appointed shall be possessed by and may be executed by the junior judge, subject to the general regulation and supervision of the senior judge. Powers of junior judges. R. S. O. c. 91, ss. 56, 57; c. 46, s. 12.

No. 126.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to provide for the appointment of  
Junior Judges in Provisional Judicial  
Districts.

First Reading, 19th February, 1890.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WADSWICK & SONS, 68 AND 70 FRONT ST. W.

No. 126.]

## BILL.

[1890

### An Act to provide for the appointment of Junior Judges in Provisional Judicial Districts.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** A junior judge may be appointed for the Provisional Judicial District of Algoma. Appointment of junior judge for Algoma.

**2.** Where the population of *any other Territory now or hereafter* forming a Provisional Judicial District exceeds forty thousand, as shewn by an official census, a junior judge may be appointed for such district. Appointment of junior judges in other districts.

**3.** The 52nd section of *The Unorganized Territory Act* and the provisions of the *Local Courts Act* shall apply to such junior judges as mentioned in the preceding sections. Rev. Stat. c. 91, s. 52, and Rev. Stat., c. 46, to apply.

**4.** The powers and authorities exercisable by the senior judge of a Provisional Judicial District to which a junior judge is appointed shall be possessed by and may be executed by the junior judge, subject to the general regulation and supervision of the senior judge. Powers of junior judges.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to provide for the appointment of  
Junior Judges in Provisional Judicial  
Districts.

First Reading,	19th February, 1890.
Second "	27th " 1890.

*(Reprinted as amended by Committee of  
Whole House.)*

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 126.]

## BILL.

[1890

An Act to provide for the appointment of Junior and Deputy Judges in Provisional Judicial Districts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A junior judge may be appointed for the Provisional Appointment of junior judge for Algoma. Judicial District of Algoma.

2. Where the population of any other Territory now or hereafter forming a Provisional Judicial District exceeds forty thousand, as shewn by an official census, a junior judge may be appointed for such district. Appointment of junior judges in other districts.

3. The 52nd section of *The Unorganized Territory Act* and the provisions of the *Local Courts Act* with respect to junior judges shall apply to such junior judges as mentioned in the preceding sections. Rev. Stat. c. 91, s. 52, and Rev. Stat., c. 46, to apply.

4. The powers and authorities exercisable by the senior judge of a Provisional Judicial District to which a junior judge is appointed shall be possessed by and may be executed by the junior judge, subject to the general regulation and supervision of the senior judge. Powers of junior judges.

5. The provisions of *The Local Courts Act* with respect to deputy judges shall apply to Provisional Judicial Districts in the same manner as to deputy judges of counties. Provisions as to deputy judges to apply to districts.



BILL.

An Act to provide for the appointment of Junior and Deputy Judges in Provisional Judicial Districts.

First Reading,	19th February,	1890.
Second    "    27th       "		1890.

*(Reprinted as again amended by Committee  
of Whole House.)*

The ATTORNEY-GENERAL,

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to Amend The County Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 41 of *The County Courts Act* is repealed, and the following substituted therefor:—

Rev. Stat. c.  
47, s. 41, sub-s.  
1, repealed.

(1) Appeal to the Court of Appeal from a judgment directed by a judge of the County Court, at or after the trial in a case tried by him without a jury, or in which he directs judgment at or after the trial upon the special findings of the jury in a case tried with a jury, or in cases tried with a jury in which the appellant's ground of appeal is misdirection by the judge of the County Court in matter of law.

Appeals in  
actions in  
County Court.

2. Section 47 of the said Act is repealed, and the following substituted therefor:—

Rev. Stat. c.  
47, s. 47, re-  
pealed.

47. The appellant shall give, or cause to be given to the opposite party, security either

Security to be  
given by  
appellant.

(1) By a bond executed by two persons, whether named as sureties or as parties interested or otherwise, in the sum of \$100, conditioned that the appellant shall pay such costs of the appeal as shall be awarded and taxed to the opposite party; or

(2) By paying into the Court appealed from in the manner provided by law within the time herein limited for the perfecting of an appeal bond, the sum of \$50.

3. Section 50 of the said Act is repealed, and the following substituted therefor:—

Rev. Stat. c.  
47, s. 50,  
repealed.

50. In case security is given by a deposit of a sum of money in Court, such sum shall remain in Court as security for the payment of all costs of the appeal awarded and taxed to the opposite party.

Deposit to re-  
main in Court  
until appeal  
costs taxed.

No. 127.

4th Session, 6th Legislature 53 Vic, 1890.

BILL.

An Act to amend The County Courts Act.

First Reading, 20th February, 1890.

MR. GUTHRIE.

TORONTO :

PRINTED BY WATKIN & SONS, 68 AND 70 FRONT ST. W.

## An Act to Amend The County Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 47 of *The County Courts Act* is repealed, and the following substituted therefor:—

Rev. Stat. c.  
47, s. 47, re-  
pealed.

47. The appellant shall give, or cause to be given to the opposite party, security either

Security to be  
given by  
appellant.

- (1) By a bond executed by two persons, whether named as sureties or as parties interested or otherwise, in the sum of \$200, or such lesser sum as the judge of the Court appealed from may direct, conditioned that the appellant shall abide by the decision of the cause by the Court of Appeal, and pay all sums of money and costs, as well of the action as of the appeal, awarded and taxed to the opposite party; or
- (2) By paying into the Court appealed from in the manner provided by law within the time herein limited for the perfecting of an appeal bond, the sum of \$100 or such lesser sum as the judge may direct.

No. 127.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The County Courts Act.

First Reading, 20th February, 1890.  
Second " 7th March, 1890.

*(Reprinted as amended by Select Committee.)*

MR. GUTHRIE.

TORONTO:

PRINTED BY WATKINS & SONS, 68 AND 70 FRONT ST. W.



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No 128.]

## BILL.

[1890.

### An Act to amend The Mechanics' Lien Act,

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. *The Mechanics' Lien Act* is amended by striking  
5 out the words "ninety per cent." wherever they occur in the  
said Act, and substituting the words "eighty per cent." there-  
for; and by striking out the words "ten per cent." wherever  
they occur in said Act, and substituting the words "twenty per  
cent." therefor.

Rev. Stat., c.  
126, amended.

No. 128.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Mechanics' Lien Act.

First Reading, 20th February, 1890.

Mr. GARSON.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Mechanics' Lien Act,

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 7 of *The Mechanics' Lien Act* is repealed, and the following substituted therefor:—

Rev. Stat. c.  
126, s. 7,  
repealed.

7. The owner shall, in the absence of a stipulation to the contrary, be entitled to retain, for a period of thirty days after the completion of the contract,

Amount which  
owner may  
retain after  
completion of  
contract.

(a) Fifteen per centum of the price to be paid to the contractor, where such price does not exceed one thousand dollars;

(b) Twelve and a half per centum of the price to be paid to the contractor, where such price is more than one thousand dollars but does not exceed five thousand dollars; and

(c) In all other cases ten per centum of the price to be paid to the contractor.

2. Section 9 of the said Act is amended by adding thereto the following as sub-section 4 thereof:—

Rev. Stat., c.  
126, s. 9,  
amended.

(4) Where the total price to be paid, or contracted or agreed to be paid for the whole of the work, machinery or materials, as so defined by section 4 of this Act, does not exceed one thousand dollars, the three preceding sub-sections of this section shall be read as if the word "ninety" was omitted therefrom, and the words "eighty-five" inserted instead thereof, and as if the word "ten" was omitted therefrom and the word "fifteen" inserted instead thereof; and where the said total price exceeds one thousand dollars, but does not exceed five thousand dollars, the said first three sub-sections shall be read as if the word "ninety" was omitted therefrom and the words "eighty-seven and a half" inserted instead thereof, and as if the word "ten" was omitted therefrom and the words "twelve and a half" inserted instead thereof.

Payments  
necessary to  
discharge lien  
where total  
amount of  
contract not  
more than  
\$1,000;

where more  
than \$1,000  
and less than  
\$5,000.

No. 128.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend the Mechanics' Lien Act.

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First Reading,	20th February,	1890.
Second       "	7th March,	1890.

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*(Reprinted as amended by Select Committee.)*

MR. GARSON.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

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No. 129.]

# BILL.

[1890.

## An Act to amend The Jurors' Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. Section 140 of *The Jurors' Act* is hereby amended by  
5 striking out the words and figures "\$1.50" in the sixth line  
thereof and substituting therefor the words "two dollars."
- Rev. Stat.  
c. 52, s. 140,  
amended.



No. 129.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Jurors' Act.

First Reading, 20th February, 1890.

MR. MEREDITH.

TORONTO:

PRINTED BY WALKER & SON, 68 AND 70 FRONT ST. W.

An Act to aid in the Reconstruction of the Provincial  
University Building.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. That a sum not exceeding one hundred and sixty thou-  
5 sand dollars is set apart from and out of the surplus moneys Appropriation of \$160,000.  
forming part of the Consolidated Revenue Fund of this Pro-  
vince, to aid in the reconstruction of so much of the buildings  
of the Provincial University, otherwise known as the Univer-  
sity of Toronto and University College, as has been injured or  
10 destroyed by fire.

2. That moneys receivable or recoverable by or on behalf of  
the said Provincial University under any policies of insurance Insurance monies to be first applied.  
effected against loss or damage by fire to the University build-  
ings, and which moneys are estimated as amounting to ninety  
15 thousand dollars, shall first be paid out and fully expended for  
and on account of the said reconstruction, and thereafter only  
so much of the said one hundred and sixty thousand dollars  
as may be necessary to secure the completion of the said  
reconstruction shall from time to time and as the work pro-  
20 gresses, be paid in such sum or sums as by order of the Lieu-  
tenant-Governor in Council may be authorized and directed in  
that behalf.

No. 130.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to aid in the Reconstruction of  
the Provincial University Buildings.

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First Reading, 20th February, 1890.

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Mr. ROSS,  
(*Middlesex*.)

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to prevent the Sale of Milk and Meat from  
Animals affected with Tuberculosis.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Any person who shall knowingly sell or offer for sale  
5 any meat or milk from animals affected with the disease  
known as tuberculosis, shall be liable upon summary conviction  
therefor before a Justice of the Peace, to a fine not  
exceeding \$30 nor less than \$10, and the costs of such  
conviction. Penalty for  
sale of milk  
or meat from  
diseased  
animals.
- 10 2. Any person who shall knowingly purchase meat or milk  
from animals affected with said disease, for the purpose of  
reselling such meat or milk, shall be liable upon summary  
conviction therefor before a Justice of the Peace to a fine not  
exceeding \$30 nor less than \$10 and the cost of such conviction. Purchasing  
diseased milk  
or meat for  
resale.
- 15 3. Any person who shall give such information to a health  
officer, or shall make such complaint to a justice of the peace,  
as shall lead to the conviction of any person under either of  
the preceding sections of this Act, shall be entitled to receive  
one-half the penalty imposed upon the person so convicted,  
20 and the other half of such penalty shall be paid to the municipal-  
ity in which the offence was committed. Informers to  
receive half  
the fine.
4. Upon any prosecution under the provisions of this Act,  
the production of the certificate of a duly licensed veteri-  
nary surgeon stating that he has examined the milk or  
25 meat for the sale or purchase of which such prosecution is  
brought, and is of opinion the said milk or meat has been  
taken from an animal affected with said disease, shall be  
*prima facie* evidence of the facts set out in said certificate. The  
said veterinary surgeon shall be entitled to a fee of \$2 for such  
30 certificate, and the said fee shall be payable by the municipal-  
ity out of the fines collected under this Act. Certificate of  
veterinary  
surgeon to be  
evidence.

No. 131.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to prevent the Sale of Milk and  
Meat from Animals affected with  
Tuberculosis.

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First Reading, 21st February, 1890.

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MR. GRAHAM.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to prevent the Sale of Milk and Meat from  
Animals affected with Tuberculosis.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section 99 of *The Public Health Act* is amended by adding the following sub-sections thereto :—

Rev. Stat.  
c. 205, sec. 99,  
amended.

(3) Whenever a medical health officer from his own knowledge or from information received from a veterinary surgeon or other qualified person has reason to believe that any animal or the meat or milk of any animal is affected with any contagious or infectious disease named in section 2 of *The Animal Contagious Diseases Act*, chapter 69 of the Revised Statutes of Canada (1886), he may take action as provided under sub-section 1 of this section.

Medical  
health officer  
to take action  
when aware of  
disease in  
animals, meat  
or milk.

(4) Any officer of the Provincial Board of Health may similarly, at all reasonable times, carry out any of the provisions contained in this section.

Officers of  
Provincial  
board may  
act.

(5) The owner or other person having charge of any animal or meat or milk of any animal affected with the said diseases, who knowing the nature of the disease, shall hold the animal or its meat or milk for human food shall be liable, upon conviction before a police magistrate or two justices of the peace, to a fine not exceeding \$50 or less than \$5 and costs; and the burden of proof that the animal, meat or milk was not intended for human food or to be sold for human food shall rest with the person charged.

Penalty for  
keeping diseased animals,  
or meat, or  
milk for sale  
as food.

(6) Any person who gives such information to a health officer or shall make such complaint to a justice of the peace as shall lead to the conviction of any person for a breach of the provisions of this section shall be entitled to receive one-half of the penalty imposed upon the person so convicted, and the other half of the penalty shall be paid to the municipality in which the offence was committed.

Half of  
penalty to be  
paid to  
informers.

(7) Upon any prosecution under sub-section 5 of this section it shall be competent for any medical health officer to make or cause to be made or request the Provincial Board of Health to make, at the cost of the municipality, such scientific examination of the animal, meat or milk suspected of being diseased as may enable the court to determine whether or not such disease exists; and the Minister of Agriculture may instruct the secretary of the Board or other person acting under the board to make such investigation, and the expenses of such investigation shall be supplied out of the moneys set apart by the Legislative Assembly for the investigation of contagious diseases. A fee, which shall not in any case exceed \$10, shall be payable for the examination of any tissue, meat or milk under the provisions of this sub-section.

Scientific  
examination  
of tissue, meat  
or milk upon  
prosecution.

No. 131.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to prevent the Sale of Meat or Milk  
from Animals affected with Tuberculosis.

First Reading, 21st February, 1890.

Second Reading, 3rd March, 1890.

*(Reprinted as amended by Select  
Committee.)*

M. GRAHAM.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The General Mining Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section nine of *The General Mining Act* is amended as follows:—

Rev. Stat.  
c. 31 s. 9  
amended.

(1) The first three lines and all the words of the fourth line of sub-section one of section nine of *The General Mining Act* down to and including the words "river St. Mary" in the said fourth line are struck out and the following substituted therefor: "In the unsurveyed territory within the districts of Algoma, Thunder Bay and Rainy River and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawa."

(2) The words following shall be added to the said first sub-section, that is to say, "or 20 chains in length by 20 chains in width containing forty acres." Notwithstanding anything in the said *General Mining Act* contained, a mining location containing forty acres may be sold or granted by the crown.

(3) The words "or a sixteenth of a section" are hereby added to sub-section three of said section nine.

2. The following section shall be added to and form part of *The General Mining Act*:—

Rev. Stat.  
c 31 amended.

42. (1) The Lieutenant-Governor may, from time to time, appoint local officers or agents to sell mining lands in their respective agencies and to carry out the provisions of any Orders in Council in that behalf and they shall be paid in such manner and at such rates as the Lieutenant-Governor in Council may direct.

Appointment  
of agents to  
sell mining  
lands.

(2) The Lieutenant-Governor in Council may, from time to time, make such regulations as he deems necessary or expedient for the purpose of carrying out this section.

No. 132.

4th Session, 6th Legislature, 53 Vic, 1890

BILL.

An Act to amend The General Mining Act

First Reading, 21st February, 1890.

Mr. HARDY.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The General Mining Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section nine of *The General Mining Act* is amended as follows:—

Rev. Stat.  
c. 31 s. 9  
amended.

(1) The first three lines and all the words of the fourth line of sub-section one of section nine of *The General Mining Act* down to and including the words "river St. Mary" in the said fourth line are struck out and the following substituted therefor: "In the unsurveyed territory within the districts of Algoma, Thunder Bay and Rainy River and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawa."

(2) The words following shall be added to the said first sub-section, that is to say, "or 20 chains in length by 20 chains in width containing forty acres." Notwithstanding anything in the said *General Mining Act* contained, a mining location containing forty acres may be sold or granted by the crown.

(3) The words "or a sixteenth of a section" are hereby added to sub-section three of said section nine.

2. The following section shall be added to and form part of *The General Mining Act*:—

Rev. Stat.  
c 31 amended.

42.—(1) The Lieutenant-Governor may, from time to time, appoint local officers or agents to receive applications for the sale of mining lands in their respective agencies and to carry out the provisions of any regulations and Orders in Council in that behalf and to supply information to intending purchasers and they shall be paid in such manner and at such rates as the Lieutenant-Governor in Council may direct.

Appointment  
of agents to  
sell mining  
lands.

(2) The Lieutenant-Governor in Council may, from time to time, make such regulations as he deems necessary or expedient for the purpose of carrying out this section.



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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend The General Mining Act.

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First Reading,	19th February,	1890.
Second	" 27th,	" 1890.

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*(Reprinted as amended by Committee of  
the Whole House).*

MR. HARDY.

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TORONTO:

PRINTED BY WATKINS & SON, 68 AND 70 FRONT ST. W.

An Act respecting the Examination of Engineers and  
the Inspection of Boilers.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. The Lieutenant-Governor in Council shall appoint a Appointment  
of inspectors.  
5 chairman and board of inspectors for the Province of Ontario,  
whose duty it shall be to inspect all boilers or other devices  
under pressure, and examine all persons who may apply for  
examination, and issue graded certificates to all applicants who  
are qualified to receive them.
- 10 2. The board of inspectors shall consist of persons having Qualification  
of inspectors.  
technical and practical knowledge of steam as used for any  
purpose, a thorough knowledge of the construction of engines  
and boilers, and of the strength of materials used in such con-  
struction, and they shall have not less than five years practical  
15 experience as working engineers, and each of them shall give  
bonds in the sum of \$1,000 for the faithful performance of his  
duty.
3. Two or more inspectors shall examine all persons applying Certificates of  
fitness.  
for certificates under this Act, and shall have power to issue  
20 three grades, viz :—First-class engineer, second-class engineer,  
third-class engineer, and such certificates shall in plain terms  
name the particular steam plant the holder is qualified to  
operate.
4. An inspector shall make a yearly inspection of all boilers Duty of  
inspectors.  
25 or other devices under pressure in the Province, and shall on  
such inspection see that such boiler or other device is in good  
working condition, and provided with a proper lock-up safety  
valve set at the pressure at which the boiler may be safely  
operated.
- 30 5. All certificates must be exposed to view in a conspicuous Certificates to  
be exposed to  
view.  
place in the engine or boiler room.
6. Should any engineer undertake to operate or take charge Penalty for  
doing work  
requiring a  
certificate of  
higher grade.  
of any steam plant requiring a higher grade of certificate than  
he possesses, he shall be fined not less than \$10, nor more than  
35 \$50 on conviction of the same, and the inspector shall have  
power to revoke his certificate.
7. All persons having charge of engines or boilers at the Permits to  
persons in  
charge of  
engines when  
this Act takes  
effect.  
time of the passage of this Act, shall, upon the payment of \$  
receive a permit to operate such steam plant for the term of  
40 one year; and should any such engineer apply for a renewal or  
higher grade of certificate, he may procure the same by passing  
the necessary examination, for which the sum of \$ shall be  
charged.

Fees for  
examination.

8. All persons not mentioned in section 7 of this Act applying for examination shall pay the sum of \$ for such examination. Each certificate to have force and effect for the term of one year, unless sooner revoked for cause, and for each renewal the sum of \$ shall be paid. No inspector shall in any case 5  
issue a certificate to any person of intemperate habits, however skilful he may be.

Inspection of  
boilers in  
course of  
construction.

9.—(1) During the construction of each boiler made in Ontario, the maker of such boiler shall notify the board of inspectors that it is open to inspection, and at all times during 10  
such construction shall allow any inspector access to such boiler.

(2) No boiler or pipe shall be approved of in which any bad material is used, or which is unsafe in form or from any other 15  
cause.

Fee for  
inspection.

10. The owner of each boiler or other device inspected shall pay the sum of \$ for such inspection.

Revocation of  
certificate.

11. Any inspector appointed under this Act shall have power to revoke any certificate issued under this Act, at any time, when a person holding the same shall have committed 20  
any act or acts that show him to be unworthy, incompetent or intemperate, and if such person desires to appeal from such decision, he may do so to the board of inspectors, whose decision shall be final.

Boiler not to  
be used until  
inspected.

12. It shall be unlawful for the owner or manager of any 25  
boiler or other device subject to pressure, to permit such boiler or other device to be put under pressure unless it is first inspected, as provided for in section 4 of this Act, and placed in charge of a person holding a proper certificate, and any person who shall be proven guilty of violating this section or 30  
in any way evading its provisions, shall, upon conviction, be fined not less than \$50 nor more than \$250.

First-class  
engineer.

13. A first-class engineer shall require a thorough knowledge of steam and its uses, of the use of the steam engine indicator, the principles of combustion, the details of construction of boilers and engines, the strength of materials used in 35  
such construction, the principles of steam heating and the working of condensers and feed pumps, and such certificate shall entitle the holder to operate any steam plant over which this Act shall have control. 40

Second-class  
engineer.

14. A second-class engineer shall require a thorough knowledge of steam and its uses, the principles of steam heating and the working of feed pumps and condensers, and such certificate shall entitle the holder to operate any steam plant of 45  
two hundred horse-power or less.

Third-class  
engineer.

15. A third-class engineer shall have a fair knowledge of steam and its uses, the principles of steam heating and the working of feed pumps, and such certificate shall entitle the holder to operate any steam plant of fifty horse-power or under.

Notice of  
defects to be  
given.

16. Whenever any licensed engineer or inspector shall dis- 50  
cover that the boiler he is operating has become weakened or

unsafe, he shall at once notify the proprietor, owner, or manager of the fact, and demand that they be repaired or made safe. If the owner, proprietor or manager shall refuse or neglect to have the needed repairs made, the engineer or inspector shall  
 5 at once notify the board of inspectors of such refusal or neglect. The board shall thereupon order a thorough inspection to be made, and if said boiler proves on inspection to be unsafe, the proprietor or manager shall forthwith have the needed repairs made, and any proprietor, owner or manager who shall attempt  
 10 to operate any boiler after such inspection, before having the needed repairs made, shall, on conviction be fined not less than \$ nor more than \$ .

**17.** Any boiler operated at a pressure of ten pounds or less  
 to the square inch shall not come under the provisions of this  
 15 Act, except those under sidewalks in cities or towns. Exceptions

**18.** The Lieutenant-Governor in Council may at pleasure  
 order an investigation to be made into the cause of any acci-  
 dent to any boiler or engine, and the persons appointed to con-  
 duct such investigation shall have the power to summon  
 20 witnesses and compel their attendance before them by the  
 same process as courts of law, and may administer oaths and  
 examine witnesses touching the cause of such accident and  
 report to the Lieutenant-Governor in Council. Investigation  
of accidents.

**19.** The chairman of the board shall, at the end of each  
 25 year, transmit to the Provincial Secretary a report of the pro-  
 ceedings of the board, and a return of all boilers inspected and  
 all penalties collected under this Act. Report of  
board.

**20.** All prosecutions under this Act may be brought before  
 any of Her Majesty's Justice of the Peace, in and for the  
 30 county where the offence was committed, and in cities, towns  
 and incorporated villages where there is a Police Magistrate,  
 before such Police Magistrate. Prosecutions.

**21.** This Act shall take force and effect on the 1st day of  
 July, 1890, in all cities, towns, and villages in the Province of  
 35 more than 2,500 population, and all Acts or parts of Acts con-  
 flicting with the foregoing enactments are hereby repealed. Commence-  
ment of Act.

No. 133.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Examination of Engineers and the Inspection of Boilers.

First Reading, 21st February, 1890.

Mr. GARSON.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W



An Act respecting the Examination of Stationary Engineers and the Inspection of Stationary Boilers.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council shall appoint a chairman and board of inspectors for the Province of Ontario, Appointment of inspectors. to act within such local limits as may be deemed advisable, whose duty it shall be to inspect all boilers or other devices under steam pressure, and examine all persons who may apply for examination, and issue graded certificates to all applicants who are qualified to receive them.

2. Such board shall be called the Ontario Board of Inspectors and shall consist of persons having technical and practical knowledge of steam as used for any purpose, a thorough knowledge of the construction of engines and boilers, and of the strength of materials used in such construction, and they shall have not less than ten years practical experience as working engineers, and each of them shall give bonds in the sum of \$1,000 for the faithful performance of his duty. Qualification of inspectors.

3. The board of inspectors shall meet at least once every year, three members forming a quorum, and may make rules and regulations for their own conduct and for the uniform inspection of steam plant, the conduct of examinations, for fixing all fees to be charged, and for such other purposes as are necessary under this Act; but such rules and regulations shall not come into force until after they are approved by the Lieutenant-Governor in Council. Meeting of board of inspectors.

4.—(1) Two or more inspectors shall examine all persons applying for certificates under this Act, and shall have power to issue three grades, viz:—First-class engineer, second-class engineer, third-class engineer, and such certificates shall in plain terms name the particular steam plant the holder is qualified to operate. Certificates of fitness.

(2) A first-class engineer shall require a thorough knowledge of steam and its uses, of the use of the steam engine indicator, the principles of combustion, the details of construction of boilers and engines, the strength of materials used in such construction, the principles of steam heating and the working of condensers and feed pumps, and such certificate shall entitle the holder to operate any steam plant over which this Act shall have control. First-class engineer.



Second-class  
engineer.

(3) A second-class engineer shall require a thorough knowledge of steam and its uses, the principles of steam heating and the working of feed pumps and condensers, and such certificate shall entitle the holder to operate any steam plant of *three* hundred horse-power or less.



Third-class  
engineer.

(4) A third-class engineer shall have a fair knowledge of steam and its uses, the principles of steam heating and the working of feed pumps, and such certificate shall entitle the holder to operate any steam plant of *eighty* horse-power or under.



Fees of can-  
didates for  
examination.

 5.—(1) All persons shall on application for examination pay a fee of not more than \$5 for such examination which shall include certificate of qualification. Such certificate shall have force and effect for the term of one year, but shall be renewable annually on payment of a fee of not more than \$2. 



Persons  
operating  
steam plant at  
commence-  
ment of Act.

 (2) Any person having charge of a steam plant at the time this Act shall take effect shall, upon application and payment of the prescribed fee, be entitled to receive a certificate of qualification to operate such steam plant or any other steam plant of no greater horse power, but shall pass the necessary examination in order to be entitled to any higher grade certificate; provided, however, that such application shall be made within one year after this Act takes effect. 

Certificate not  
to be given to  
persons ad-  
dicted to ex-  
cessive use of  
liquor.

 (3) No certificate or renewal thereof shall be granted to any person addicted to the excessive use of intoxicating liquors, and such certificate may at any time be revoked when the holder thereof has been shown to have been guilty of gross carelessness, incompetence or intemperance. 

Steam plant  
under 15 horse  
power.

 (4) No certificate of qualification shall be required by any person for the operation of a steam plant under fifteen horse power nor by any person acting for or on behalf of any manufacturer in the setting up and trial operations of any steam plant. 

Penalty for  
doing work  
requiring a  
certificate of  
higher grade.

6. Should any engineer undertake to operate or take charge of any steam plant requiring a higher grade of certificate than he possesses, he shall be *liable to a penalty of* not less than \$10, nor more than \$50 on conviction of the same, and the inspector shall have power to revoke his certificate.

Duty of  
inspectors.

7. *There shall be an annual inspection* of all boilers or other devices under *steam* pressure in the Province, and *the inspector* shall on such inspection see that such boiler or other device is in good working condition, and provided with a proper safety valve set at the pressure at which the boiler may be safely operated.

Fee for  
inspection.

(2) The owner of each boiler or other device inspected shall pay the sum of \$ for such inspection.

Notice of  
defects in  
boilers to be  
given.

8. Whenever any licensed engineer or inspector shall discover that *any boiler in operation* has become weakened and unsafe, he shall at once notify the proprietor, owner, or manager of the fact, and demand that *it* be repaired and made safe. If the owner, proprietor or manager shall refuse or neglect to

have the needed repairs made, the engineer or inspector shall at once notify the board of inspectors of such refusal or neglect. The board shall thereupon order a thorough inspection to be made, and if said boiler proves on *such* inspection to be unsafe, the proprietor or manager shall forthwith have the needed repairs made, and any proprietor, owner or manager who shall attempt to operate any boiler after such inspection, before having the needed repairs made, shall, on conviction be fined not less than \$10 nor more than \$250.

(2) Any boiler operated at a pressure of ten pounds or less to the square inch shall not come under the provisions of this Act, except those under sidewalks in cities or towns. Exceptions.

☞ (3) Any engineer who feels himself aggrieved by any order or act of an inspector may within two weeks thereafter appeal therefrom to the board of inspectors, or to the chairman when the board is not sitting, who shall submit the case to the board at its next sitting, and the board may confirm, modify or disallow such order or act; and any other person who feels himself aggrieved by any order or act of an inspector may within two weeks thereafter appeal therefrom to the Commissioner of Public Works who may confirm, modify or disallow such act or order. ☞ Appeal from inspector to board.

9. The Lieutenant-Governor in Council may at pleasure order an investigation to be made into the cause of any accident to any boiler or engine, and the persons appointed to conduct such investigation shall have the power to summon witnesses and compel their attendance before them by the same process as courts of law, and may administer oaths and examine witnesses touching the cause of such accident and report to the Lieutenant-Governor in Council. Investigation of accidents.

10. The chairman of the board shall, at the end of each year, transmit to the *Commissioner of Public Works* a report of the proceedings of the board, and a return of all *steam plants* inspected and all penalties collected under this Act. Report of board.

☞ 11. The expression "steam plant," wherever the same occurs in this Act, shall include boilers and steam engines and every part thereof or thing connected therewith, and all other apparatus and things attached to or connected therewith or used with reference to any such engine or under the care of the engineer. ☞ "Steam plant" what to include.

☞ 12. The council of any township may pass a by-law providing for the annual inspection of threshing boilers and engines, whether portable or stationary, under the provisions of this Act, and on receipt of a duly certified copy of such by-law the board of inspectors shall make due provision for such inspection. ☞ By-laws for inspection of threshing machine engines.

13. This Act shall take effect on the 1st day of *January*, 1891, *but save as in the 12th section provided, shall only apply to and be in force in* cities, towns, and villages in this Province of more than 2,500 population *according to the Dominion census.* Commencement of Act.

No. 133.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Examination of  
Stationary Engineers and the Inspection  
of Stationary Boilers.

First Reading, 21st February, 1890.

Second " 17th March, 1890.

*(Reprinted as amended by Select  
Committee.)*

MR. GARSON.

TORONTO :

PRINTED BY WARWICK & SONS, 63 AND 70 FRONT ST. W.



An Act to provide for Security for Costs in certain  
actions against Justices of the Peace.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. In case an action or other legal proceeding is brought  
5 against a police magistrate or other justice of the peace, in  
respect of any cause of action to which the provisions of  
*An Act to protect Justices of the Peace and others from Vexa-*  
*tious Actions* is applicable, the defendant may at any time  
after the service of the writ, apply to the court or to a judge  
10 for security for costs.

Applications  
for security for  
costs in actions  
against magis-  
trates.

2. The application shall be upon notice and an affidavit by  
the defendant or his agent, shewing the nature of the action  
and of the defence, and shewing to the satisfaction of the court  
or judge that the plaintiff is not possessed of property sufficient  
15 to answer the costs of the action in case a verdict or judgment  
should be given in favor of the defendant, and that he has a  
good defence upon the merits, or that the grounds of action are  
trivial or frivolous; and thereupon the court or judge, in its  
or his discretion in view of all the circumstances, may make  
20 an order that the plaintiff shall give security for the costs  
to be incurred in such action; security so ordered shall be  
given in accordance with the practice in cases where a  
plaintiff resides out of the Province; and the order shall be a  
stay of proceedings in the action until security is given.  
25 (*Ontario Libel Act*, 1887, 50 V. c. 9, s. 4; R. S. O., c. 57, s. 9,  
page 701.)

Procedure  
upon applica-  
tion.



No. 134.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to provide for Security for Costs in  
certain actions against Justices of the  
Peace.

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First Reading, 21st February, 1890.

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THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

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No. 136.]

## BILL.

[1890.]

### An Act to amend The Municipal Act.

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section 504 of *The Municipal Act* is hereby amended by Rev. Stat. c.  
5 striking out the word “and” in the first line thereof, and by 184, s. 504,  
inserting after the word “town” in the first line thereof, amended.  
the words “county, township and incorporated village.”

No. 136.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The Municipal Act.

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First Reading, 24th February, 1890.

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MR. SMITH,  
(*Frontenac.*)

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 137]

## BILL.

[1890.

### An Act to amend The Ontario Voters' Lists Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 14 of *The Ontario Voters' Lists Act* is hereby 52 V., c. 3, s.  
5 amended by adding thereto the following sub-section. 14 amended.

(5) An affidavit, delivered to the Judge, signed by any person, in the form, or to the effect set forth in form "A" appended to *The Manhood Suffrage Act*, if the facts stated are such as to entitle such person to be placed upon the voters' list, as qualified 10 to be a voter under such Act, shall be sufficient *prima facie* evidence for placing such person upon said lists, and the affidavit may be made before any Justice of the Peace, commissioner for taking affidavits, or notary public, and every such officer shall, upon request, administer an oath to any person 15 wishing to make the affidavit.

Affidavit of  
applicant to  
be evidence of  
qualification.

No. 137.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Ontario Voters' Lists  
Act.

First Reading 24th February, 1890.

MR. MEACHAM.

TORONTO:  
PRINTED BY WARWICK & SON, 68 & 70 FRONT ST. WEST.



## The Mining Claims Act of 1890.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Mining Claims Act of* Short title.  
5 1890."

2. *The General Mining Act*, as amended, from section two to section fourteen both inclusive, and sections thirty, thirty-three, thirty-four, and from section thirty-seven to forty-one both inclusive, where other provision is not herein  
10 made and unless a contrary intention appears or the context otherwise requires, shall apply to and may be read with this Act.  
15

Certain provisions of Rev. Stat. c. 31 incorporated.

(a) The word "claimant" when used herein shall mean and include the person who has staked off a claim and his assigns  
15 and legal representatives.

"Claimant," meaning of.

(b) The words "mining claim" when used herein shall mean any land staked off as a mining claim, and the words "mining location" or "location," such mining claim after the same has been surveyed and described by a Provincial Land  
20 Surveyor.

"Mining claim," meaning of.

(c) The words "local agent" when used herein shall include an Inspector or any officer appointed by the Lieutenant-Governor in Council and empowered to perform the duties of local agent.

"Local Agent" meaning of.

3.—(1) The Lieutenant-Governor in Council may, from time to time by Order in Council, make regulations setting apart any townships or any tract of land or country described or indicated in such regulations within and in respect of which this Act shall apply and shall have operation, and may at any time  
30 revoke or vary such regulations and pass others, and may vary or change, extend or diminish the territory in such regulations indicated or described; and this Act shall apply to and have operation in such townships or tract of land or country in such regulations described or indicated therein. Such  
35 regulations shall be duly published in the *Ontario Gazette* for at least one month before the day named therein, as the day upon which this Act shall apply to and have operation in such territory.

Lieutenant-Governor may set apart territory in which Act to have operation.

(2) Such townships, tract of land or country shall be  
40 known as and called Mining District No. — in the District (or county) of —

Procedure by  
discoverer to  
obtain a min-  
ing claim.

4. Any person having discovered a mineral deposit on any Crown Lands not for the time being included in a mining claim or location may obtain a mining claim therefor and such claim may contain eighty acres, or forty acres, in the following manner :—

5

(a) He shall mark the claim on the ground by placing at each of its four corners a wooden post, not less than two inches square, driven not less than eighteen inches into the ground, and shewing that length above it. If the ground be too rocky to admit of so driving such posts he shall build about each of them, to support it and keep it in place, a cairn or mound of stones, at least three feet in diameter at the base, and eighteen inches high. If the claim be timbered, a line shall be run and well blazed joining the said posts. If it be not so timbered and the ground is of such a nature that any one post cannot be seen from the ends of either of the lines, which form the angle at which the said post is placed, posts flattened on two sides (such flattened portions facing the directions of the line) shall be planted or mounded along the side lines wherever necessary, so that no difficulty may be experienced by a subsequent prospector or explorer in discovering or following the boundaries of any claim.

(b) The claim shall be laid out with its boundaries due north and south and east and west, and the claimant shall mark on the post designating the north-east angle of the claim legibly, with a pencil, or with coloured chalk, his name in full, the date of such marking and the letters M. C., N. E., to indicate that the post is at the north-east angle of the Mining Claim; proceeding next to the south-easterly angle of the claim he shall mark the post planted there with the letters M. C., S. E., and his initials; next to the south-westerly angle of the claim, the post planted at which he shall mark with the letters M. C., S. W., and his initials, and lastly to the north-westerly angle of the claim, the post planted at which he shall mark with the letters M. C., N. W., and his initials.

(c) If the corner of a location falls in a ravine, bed of a stream, or any other situation where the character of the locality may render the planting of a post impossible, the said corner may be indicated by the erection at the nearest suitable point of a witness post, which in that case shall contain the same marks as those prescribed in this clause in regard to corner posts, together with the letter W. P., and an indication of the bearing and distance of the site of the true corner from such witness post.

Affidavit of  
applicant for  
mining claim,  
and entry fee.

5. Having so marked out on the ground the claim he desires, the claimant shall, within thirty days thereafter, file with the local agent for the district in which the claim is situated, a declaration under oath, according to form A in the schedule in this Act (which may be sworn to before a justice of the peace or commissioner for taking affidavits) setting forth the circumstances of his discovery, the kind or character of the mineral, and describing as nearly as may be the locality and the dimensions of the claim together with a rough sketch marked out by him as aforesaid; and shall, along with said declaration, pay to the said agent an entry fee of five dollars.

6. (1) The local agent upon such payment being made shall grant a certificate according to the form B in the schedule to this Act. The receipt and certificate shall authorize the claimant, to enter into possession of the claim applied for and to retain possession thereof, during the term of six months from its date and to take therefrom and dispose of any mineral deposit contained within its boundaries, and during the said six months or within thirty days thereafter to become the purchaser of such claim upon filing a plan or survey of the said mining claim with the field notes and description thereof by metes and bounds by a Provincial Land Surveyor, at the price at which mining lands may be sold by the Crown in the locality in which the same is situate; provided and upon the condition that during the six months immediately following the date of such certificate, he or they shall expend in opening up the mine, in stripping the same, in sinking shafts or in actual mining operations, when the location consists of 80 acres \$200, and when it consists of 40 acres \$150; such work shall be *bona fide* commenced within one month from the staking out of the claim, and the claimant shall deliver to the local agent within thirty days after the expiration of the said six months a full statement of such expenditure, and of the time when the same was performed. Such evidence shall be by affidavit of the locatee, in such form as may be prescribed by the Commissioner of Crown Lands, corroborated by the affidavit of two reliable and disinterested witnesses.

Effect of  
receipt for fee  
and certificate  
of local agent.

(2) The said work may consist of labour actually performed by grown men at the rate of two dollars and one-half per day, and shall be in addition to the expenditure for explosives, for construction of shanties, for clearing land and for board, and shall be for *bona fide* mining work only on the particular claim.

7. If at the expiration of one month from the staking out of said claim the work of developing the said mine in the manner aforesaid has not been commenced, or if it is not continued, or if within thirty days after the expiration of the said six months the proof of the said work having been done as herein provided, has not been delivered to the local agent, or if within the said last mentioned period the price of such mining claim has not been paid any other person or persons shall, with the consent in writing of the local agent, be entitled to stake the said claim or to include the same or part thereof in any other claim and may enter thereon, or the same may be sold by the Crown as fully as though the same had never been staked or claimed, and all rights therein of the claimant shall cease and be of none effect; but the said lands or any part thereof shall not be restaked by or on behalf of or for the benefit, directly or indirectly, of the claimant or anyone claiming or holding through him or them.

If work not  
commenced  
lands may be  
re-staked or  
re-sold.

8. Any one discoverer of new mines or deposits duly established in accordance with this Act, or any regulation which may be made hereunder, shall be entitled to hold in any one district, not more than three "staked off" claims, on any Crown lands at any one time; a party of two not more than five claims; a party of three not more than seven claims, and to

Limit of  
number of  
claims to be  
held by one  
person or  
party.



each member of a party beyond three, one claim only for each additional member, and a joint stock company shall be treated as a party of five persons, and no person, persons or company, shall or shall be allowed for the purpose of evading this Act, to have or hold any claim or claims in the name of any other person or persons; but this section shall not prevent any person or persons from having or holding any or other lands by purchase or acquirement otherwise than is provided by this Act. 5

Disputes to be determined by Commissioner of Crown Lands.

9. The local agent may refer any difficult, disputed or controverted question to the Commissioner of Crown Lands for determination, or any party to a dispute involving the right to or to the possession of a claim or part thereof, may, before the issue of the Patent, apply to the Commissioner of Crown Lands to review the decision of the local agent. 10

Penalty for removing or altering stakes.

10.—(1) It shall be unlawful for any person or persons knowingly or wilfully, without the permission of the Commissioner of Crown Lands or the local agent to pull down, move, remove, or change the said posts or to change, mutilate, obliterate or efface in whole or in part the date, name, initials or other distinguishing mark on any post or connected therewith or with the description or boundary marks of the land so staked off as aforesaid within the time when a claimant is by this Act permitted to hold possession of such land, and any person or persons who shall commit, or be privy to such offence, shall on conviction before any two justices of the peace, stipendiary or police magistrate for the county, district or locality in which the offence is committed, be liable to a penalty of not less than \$20 or more than \$100, with all costs (including the costs of conveying the offender to gaol) and such penalty and the costs may be recovered by distress, and in default of payment of such fine and the costs or of sufficient distress, the offender may be imprisoned in the common gaol of the county or district for a period not exceeding six months unless the said fine and costs and the costs of conveying the offender to gaol be sooner paid. 15 20 25 30 35

(2) Provided nevertheless that this section shall not prevent a duly qualified Provincial Land Surveyor in surveying the staked off claim from doing what is necessary to straighten lines or otherwise to make a survey in accordance with the law in that behalf. 40

Claimant removing stakes to forfeit right of purchase.

11. In addition to the penalty and punishment for the offence in the preceding section provided, when such offence is committed by the claimant or by his or their servant or agent, or by anyone acting for him or them, or on his or their behalf, such claimant shall not be permitted to become the purchaser of said staked off lands, but his or their right to become such purchaser or further to occupy or possess the same under the said receipt or certificate or otherwise shall forthwith cease and determine, and the said land receipt and certificate shall forthwith become null and void and of none effect, and shall be surrendered to the local agent, or to the Commissioner of Crown Lands. 45 50

Surveys of mining claims.

12. In cases where a claim is staked off within surveyed or partly surveyed territory, the claim shall conform to the regular system of surveys, and shall be a regular 55

sub-division of a lot or section, and may contain eighty or forty acres; the claimant shall file in the Department of Crown Lands upon his application to purchase, a plan and field notes of the mining location with a sufficient description thereof by metes and bounds prepared by a Provincial Land Surveyor in accordance with the provisions of section nine of *The General Mining Act*. Rev. Stat. c. 31.

13. A mining location which has been surveyed or laid out on the ground under *The General Mining Act* before the passing of this Act, but has not been patented, shall be open to purchase by the person who so surveyed or laid out the same for six months after this Act shall have been brought into operation in the mining district where such location is situate, and if after the expiration of that period he neglects or declines to purchase, such mining location may be sold, or mining claims may be staked off thereon. Nothing in this Act shall prevent any person or persons from having mining locations laid out as heretofore under *The General Mining Act*, in such mining district, provided that they shall file with such application a declaration under oath by the Provincial Land Surveyor making such survey that they do not conflict with any mining claim staked out under this Act within any territory in which this Act applies. Purchase of mining locations laid out prior to Act.

14. With respect to discoveries which have taken place prior to the passing of this Act, and of which no survey has been made, it is expressly provided that no staking out by any person other than the original discoverer shall convey any right or claim to the person so staking out, unless the original discoverer shall neglect to perfect his claim within six months after this Act shall have been brought into operation in the mining district where such discovery or claim is situate; and should it be made to appear to the satisfaction of the local agent that any staked out claim, or any part thereof, for which he has, within such six months, granted a receipt or certificate, covers, either in whole or in part, lands on which a discovery was made prior to such staking out, he shall revoke and cancel such certificate or receipt, or change or modify the same so far as may be necessary to protect the rights of the first discoverer. Discoveries not surveyed prior to passing of Act.

#### FORM A.

I, (or we,) \_\_\_\_\_ of \_\_\_\_\_ hereby apply under *The Mining Claims Act of 1890*, for a mining location in Mining District No. \_\_\_\_\_, in the District (or County of \_\_\_\_\_) [here give general description of locality.] for the purposes of mining for [here name the metal or mineral,] and I, (or we,) hereby solemnly swear:

1. That I, (or we,) have discovered therein a deposit of [here name the metal or mineral.]

2. That I desire and intend, if a certificate is granted to me, in good faith to work the same in accordance with the provisions of section 6 of the said Act.



3. That I, (or we,) am, (or are,) to the best of my, (or our,) knowledge and belief, the first discoverer of the said deposit.

4. That I, (or we,) am, (or are,) unaware that the land is other than vacant public land of this Province.

5. That I, (or we,) did on the \_\_\_\_\_ day of \_\_\_\_\_ stake off the ground in accordance with the provisions of section 4 of the said Act, the claim for which I, (or we,) make this application, and in so doing I, (or we,) did not encroach on any mining claim or location previously laid out by any other person.

6. That the said mining claim contains, as nearly as I, (or we,) could measure or estimate, an area of \_\_\_\_\_ acres, and that the description and sketch of this date hereto attached, signed by me, (or us,) set forth in detail to the best of my, (or our) knowledge and ability, its position, form and dimensions.

7. That I, (or we,) make this application in good faith, to acquire the land for the sole purpose of mining, to be prosecuted by myself, (or us,) or by (myself and associates).

Sworn, &c.

#### FORM B.

No. \_\_\_\_\_

CROWN LANDS AGENCY,

18 \_\_\_\_\_

Received from \_\_\_\_\_ of \_\_\_\_\_  
five dollars, being the fee required by section 5 of *The Mining Claims Act of 1890*, accompanying his (or their) application, No. \_\_\_\_\_ dated \_\_\_\_\_ 18 \_\_\_\_\_ for a staked off mining claim in Mining District No. \_\_\_\_\_ in the District (or County) of \_\_\_\_\_. And I certify that the said \_\_\_\_\_ his (or their) legal representative or assigns is (or are) authorized to enter into possession of the claim applied for, and to retain possession thereof during the term of six months from this date, and to take therefrom and dispose of any mineral deposit contained within its boundaries, and on due compliance with the several requirements in that behalf of the said Mining Claims Act to become during the said period, or within thirty days thereafter, the purchaser of such claim, which, provisionally, and until survey thereof, may be known and described as follows: [*insert description in detail.*] If the said \_\_\_\_\_ or his (or their) legal representatives or assigns fail to comply as aforesaid with the conditions that would entitle him (or them) to purchase within six months from this date, or thirty days thereafter, or having so complied, do not within that time make payment in full for the land, then the right to purchase shall lapse and absolutely cease, and the mining claim or location shall revert to the Crown, to be otherwise disposed of, as may be directed by the Commissioner of Crown Lands.

Local Agent.



No. 138.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

The Mining Claims Act of 1890.

First Reading, 24th February, 1890.

Mr. HARDY.

An Act to provide for the vacating of Certificates  
of Lis Pendens.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Where land or any estate or interest in land is in litigation, and a certificate of *lis pendens* has been registered, and the plaintiff, or other party at whose instance the certificate was issued, does not in good faith prosecute the litigation, the Court or a Judge may at any time during the litigation make an order vacating the certificate of *lis pendens*. Order vacating *lis pendens* upon non-prosecution of action.

2. Where land, or any estate or interest in land, is in litigation, and a certificate of *lis pendens* is registered, and the plaintiff's claim is not solely to recover the land, or the estate or interest therein, but is to recover a sum of money or money's worth which is chargeable on or payable out of the land, or some estate or interest therein, or for which he claims that the land or such estate or interest therein ought to be subjected to payment, or where the plaintiff claims the land or some interest in land, and, in the alternative, damages or compensation in money or money's worth, the Court or a Judge may at any time during the litigation make an order vacating the certificate of *lis pendens*, upon such terms as to giving security or otherwise as may be deemed just. Order where claim not limited to land.

3. Such order may be registered in the same manner as judgments and other orders affecting lands are registered. Registration of orders.

No. 139.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to provide for the vacating of  
Certificates of Lis Pendens.

First Reading, 24th February, 1890.

The ATTORNEY GENERAL.

TORONTO:

PRINTED BY WARWICK & SON, 68 & 70 FRONT ST. W.




An Act to provide for the vacating of Certificates  
of *Lis Pendens*.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Where land or any estate or interest in land is in litigation, and a certificate of *lis pendens* has been registered, and the plaintiff, or other party at whose instance the certificate was issued, does not in good faith prosecute the litigation, the Court or a Judge may at any time during the litigation make an order vacating the certificate of *lis pendens*. Order vacating *lis pendens* upon non-prosecution of action.

2. Where land, or any estate or interest in land, is in litigation, and a certificate of *lis pendens* is registered, and the plaintiff's claim is not solely to recover the land, or the estate or interest therein, but is to recover a sum of money or money's worth which is chargeable on or payable out of the land, or some estate or interest therein, or for which he claims that the land or such estate or interest therein ought to be subjected to payment, or where the plaintiff claims the land or some interest in land, and, in the alternative, damages or compensation in money or money's worth, the Court or a Judge may at any time during the litigation make an order vacating the certificate of *lis pendens*, upon such terms as to giving security or otherwise as may be deemed just. Order where claim not limited to land.

3. Such order may be registered in the same manner as judgments and other orders affecting lands are registered. Registration of orders.

4. Where a certificate of *lis pendens* is vacated, any person may deal in respect of the land, as fully as if such *lis pendens* had not been registered, and it shall not be incumbent on any purchaser or mortgagee to enquire as to the facts alleged in the suit, and the rights of such purchaser or mortgagee shall not be affected by his being aware that the allegations made in the suit were in fact made.  Effect of vacating *lis pendens*.

No. 139.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to provide for the vacating of  
Certificates of Lis Pendens.

First Reading,	24th February, 1890.
Second "	February, 1890.

*Reprinted as amended by Committee of  
Whole House.*

The ATTORNEY GENERAL.

TORONTO :

PRINTED BY WARWICK & SON, 68 AND 70 FRONT ST. W.

An Act to provide for the vacating of Certificates of Lis Pendens.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where land or any estate or interest in land is in litigation, and a certificate of *lis pendens* has been registered, and the plaintiff, or other party at whose instance the certificate was issued, does not in good faith prosecute the litigation, the Court or a Judge may at any time during the litigation make an order vacating the certificate of *lis pendens*. Order vacating *lis pendens* upon non-prosecution of action.

2. Where land, or any estate or interest in land, is in litigation, and a certificate of *lis pendens* is registered, and the plaintiff's claim is not solely to recover the land, or the estate or interest therein, but is to recover a sum of money or money's worth which is chargeable on or payable out of the land, or some estate or interest therein, or for which he claims that the land or such estate or interest therein ought to be subjected to payment, or where the plaintiff claims the land or some interest in land, and, in the alternative, damages or compensation in money or money's worth, the Court or a Judge may at any time during the litigation make an order vacating the certificate of *lis pendens*, upon such terms as to giving security or otherwise as may be deemed just. Order where claim not limited to land.

3. The court or judge may at any time amend the said registry upon any other just grounds. Rev. Stat. c. 126, s. 30, (8). Registration of orders.

4. On application under any of the preceding sections, the court or judge may order any of the parties to the application to pay the costs of any of the other parties thereto, or may make any other order with respect to costs, as under all the circumstances may appear to him to be just. Costs.

5. The order for vacating or annulling the certificate of *lis pendens* shall be subject to appeal according to the practice of the High Court in like cases, and may be registered in the same manner as judgments and other orders upon lands are registered, such registration to be on or after the fourteenth day from the date of the order, unless a judge of the High Court reverses the order meanwhile, or postpones or forbids the registration. (R. S. O., c. 126, s. 30, (9); Consol. Orders, 846.) Appeal from order.

Effect of  
vacating *lis*  
*pendens*.

6. Where a certificate of *lis pendens* is vacated, any person may deal in respect of the land, as fully as if such *lis pendens* had not been registered, and it shall not be incumbent on any purchaser or mortgagee to enquire as to the facts alleged in the suit, and the rights of such purchaser or mortgagee shall not be affected by his being aware that the allegations made in the suit were in fact made.





No. 139.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to provide for the vacating of  
Certificates of Lis Pendens.

First Reading, 24th February, 1890.
Second " " 1890.

*(Reprinted as again amended by Committee of the Whole House.)*

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause (a) of sub-section 3 of section 495 of *The Municipal Act* is amended by adding thereto after the word "goods" in the fourth line thereof the words, "carpets, household furnishings, groceries, boots and shoes, ready-made clothing." Rev. Stat. c. 184, s. 495, sub-s. 3 amended.

2. Section 504 of the said Act is hereby amended by adding thereto the following sub-section. Rev. Stat. c. 184, s. 504 amended.

(14) For building, equipping, maintaining and operating street railways in, along and over such streets of the city or town as the Lieutenant-Governor in Council may approve of, and for leasing from time to time the same on such terms as may be determined, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding 30 years. Street railways.

3. Section 505 of the said Act is amended by striking out the words "the last sub-section" where they occur in the first line of the said section, and inserting in lieu thereof the words "sub-sections 13 and 14," and by adding after the word "section" in the second line thereof the words "as hereby amended." Rev. Stat. c. 184, s. 505 amended.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th February, 1890.

MR. BRONSON.

TORONTO :

PRINTED BY WAINMAN & SONS, 68 AND 70 FROST ST. W.

## The Companies' Short Form Mortgage Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :—

1. When a mortgage of property, either freehold, or leasehold in Ontario, made according to the form set forth in the first schedule of this Act, or any other mortgage expressed to be made in pursuance of this Act, or referring thereto, contains any of the forms, or words contained in column one of the second shedule to this Act and distinguished by any number therein, such mortgage shall be taken to have the same effect, and be construed as if it contained the form of words contained in column two of the said second schedule, and distinguished by the same number as is annexed to the form of words used in such mortgage; but it shall not be necessary in any such mortgage to insert any such number.

Effect of use of short forms contained in schedule 2.

2. Any such mortgage, or part of such mortgage which fails to take effect by virtue of this Act shall nevertheless, be as effectual to bind the parties thereto as if this Act had not been passed.

Mortgages not taking effect under Act, how far valid.

3. Every such mortgage unless an exception be specially made therein, shall be held and construed to include all houses, outhouses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, under-woods, mounds, hedges, fences, ditches, ways, waters, water-courses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments, fixtures (actual or constructive) and appurtenances whatsoever to the lands therein comprised belonging, or in any wise appertaining, or with the same demised, held, used, occupied and enjoyed, or taken, or known as part or parcel thereof, and if the same purports to convey an estate in fee, also the reversion and reversions, remainder or remainders, yearly and other rents, issues and profits of the same lands, and of every part and parcel thereof; and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, term or terms of years, claim and demand whatsoever of the grantor, or assignor in, to, out of, or upon the same lands and every part and parcel thereof, with their and every of their appurtenances subject always to the reservations limitations, provisoes and conditions, contained in the grant of such lands from the Crown.

Mortgage to include houses etc., and the reversion and all the estate etc., of the grantor.

4. In the construction of this Act and schedules thereto, unless there be something in the subject, or context repugnant to such construction the word "lands" shall extend to all

Interpretation of the words "lands" and "party."

freehold and leasehold tenements and hereditaments whether corporeal or incorporeal, or any undivided part or share therein respectively; and the word "party" shall mean and include any body politic, corporate, or collegiate, as well as an individual.

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Taxation of  
bills for  
drawing  
mortgages.

5. In taxing any bill for preparing and executing any mortgage under this Act, the taxing officer in estimating the proper sum to be charged therefor, shall consider not the length of such mortgage, but the skill and labor employed, and responsibility incurred in the preparation thereof.

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Schedules to  
be part of  
Act.

6. The schedules hereto and the directions and forms therein contained, shall be deemed parts of this Act.

Implied cove-  
nants of mort-  
gages.

7. There shall in the several cases in this section mentioned be deemed to be included, and there shall in those several cases by virtue of this act be implied, covenants to the effect in this section stated, by the person, or by each person who conveys by way of mortgage as far as regards the subject matter, or share of subject matter expressed to be conveyed by him with the company to which the conveyance is made, that is to say :—

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Covenants in  
mortgages  
by beneficiary.

In a conveyance by way of mortgage, the following covenants by the person who is expressed to convey as beneficiary owner (namely) :—

- (a) For payment of the mortgage money and interest, and observance in other respects of the proviso in the mortgage; 25
- (b) Good title.
- (c) Right to convey.
- (d) That, on default the mortgagee shall have quiet possession of the land. 30
- (e) Free from all incumbrances;
- (f) That the mortgagor will execute such further assurances of the said lands as may be requisite; and
- (g) That the mortgagor has done no act to incumber the land mortgaged; 35

according to the tenor and effect of the several and respective forms of covenants for the said purposes set forth in schedule B to the *Act respecting Short Forms of Mortgages* being chapter 107 of the Revised Statutes of Ontario, 1887. 40

Covenants in  
mortgages of  
leaseholds.

(2) In a conveyance by way of mortgage of leasehold property, the following further covenants by the person who is expressed to convey as beneficial owner (namely);

- (a) That the lease or grant creating the term, or estate for which the land is held, is, at the time of conveyance a good, valid and effectual lease, or grant of the land conveyed, and is in full force unforfeited, and unsurrendered and in nowise become void, or voidable, and that all the rents reserved by and all the covenants, conditions and agreements contained in, the lease, or grant and on the part of 45  
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the lessee, or grantee and the persons deriving title under him to be paid, observed and performed, have been paid, observed and performed, up to the time of conveyance;

- 5 (b) And also that the person so conveying, or the persons deriving title under him will at all times as long as any money remains on the security of the conveyance, pay, observe and perform, or cause to be paid, observed and performed, all the rents re-  
 10 served by, and all the covenants, conditions and agreements, contained in the lease or grant, and on the part of the lessee, or grantee, and the persons deriving title under him, to be paid, observed and performed, and will keep the person to whom the conveyance is made and those deriving title under  
 15 him, indemnified against all actions, proceedings, costs, charges, damages, claims and demands if any to be incurred or sustained by him, or them by reason of the non-payment of such rent, or the non-observance or non-performance of such covenants, conditions and agreements, or any of them.

8. In a mortgage where more persons than one are expressed to convey as mortgagors, or to join as covenantors, the implied covenants on their part shall be deemed to be joint and several covenants by them, and where there are more  
 25 mortgagees than one, the implied covenant with them shall be deemed to be a covenant with them jointly, unless the amount secured is expressed to be secured to them in shares or distinct sums, in which latter case the implied covenant with them shall be deemed to be a covenant with each severally in  
 30 respect to the share, or distinct sum secured to him.

9. Nothing in this Act shall be construed as excluding the operations of section 1, or parts 1 and 3 of chapter 102 of the Revised Statutes of Ontario, when not inconsistent herewith or repugnant hereto.

Mortgage by several mortgagors.

Effect of Act on R.S.O., c.102.

## SCHEDULES TO WHICH THIS ACT REFERS.

### THE FIRST SCHEDULE.

This indenture made                      day of                      one thousand eight hundred and                      in pursuance of *The Companies' Short Form Mortgage Act*                      between (here insert names of parties and recitals, if any) witnesseth that in consideration of                      of lawful money of Canada, now paid by the said (company) to the said (mortgagor or mortgagors,) the receipt whereof is hereby acknowledged, the said (mortgagor or mortgagors) doth (or do) grant (or assign) and mortgage unto the said (company) their successors and assigns forever, all (parcels) (here insert provisoes, covenants and other provisions.)

In witness thereof the said parties hereto have here unto set their hands and seals.

## THE SECOND SCHEDULE.

## DIRECTIONS AS TO FORM IN THIS SCHEDULE.

1. Parties who use any of the forms in the first column of this schedule may substitute for the words "mortgagor or mortgagors" or "company," any name or names; and in every such case corresponding substitutions shall be taken to be made in the corresponding forms in the second column.

2. Such parties may substitute the feminine gender for the masculine, or the plural number for the singular, in any of the forms in the first column of this schedule; and corresponding changes shall be taken to be made in the corresponding forms in the second column.

3. Such parties may introduce into, or annex to any of the forms in the first column any express exceptions from, or other express qualifications, or variations thereof respectively; and the like exceptions, qualifications or variations shall be taken to be made from or in the corresponding form in the second column.

*Column One.*

1. And the said wife of the said mortgagor hereby bars her dower in the said lands.

2. Provided: This mortgage to be void on payment of (*amount of principal money*) dollars, with interest at (*rate of interest*) per cent. as follows: (*terms of payment of principal and interest*).

*Column Two.*

1. And the said wife of the said mortgagor, for and in consideration of the premises hath granted and released, and by these presents doth grant and release unto the said company, their successors and assigns, all her dower and right and title which in the event of surviving her said husband she might or would have to dower, into or out of the lands and premises hereby conveyed or intended so to be.

2. Provided always, and these presents are upon this express condition that if the said mortgagor, his heirs, executors, administrators or assigns, or any of them, do and shall well and truly pay or cause to be paid unto the said company, their successors or assigns the just and full sum of (*amount of principal money*) of lawful money of Canada, or in gold if so required, with interest thereon at the rate of (*rate of interest*) per cent. per annum on the days and times and in the manner following, that is to say (*terms of payment*

*of principal and interest*) and also interest at the said rate after the maturity of said principal money as well as before, without any deduction, defalcation or abatement out of the same, and also do satisfy all taxes, rates, levies, charges, rents, assessments, statute labor or other impositions whatsoever already rated or hereafter to be rated, charged, assessed or imposed by authority of Parliament or otherwise howsoever, on the said lands and tenements, hereditaments and premises, with the appurtenances, or on the said company, their successors or assigns, in respect to the said premises or of the said money or interest, or any other matter or thing relating to these presents, and until such default as aforesaid shall and will well and truly pay, do and perform, or cause or procure to be paid, done and performed, all matters and things in this proviso hereinbefore set forth, then these presents and everything in the same contained shall be absolutely null and void.

3. Proviso for the payment of interest upon interest in arrear.

3. And it is hereby further agreed that on default in payment of any instalment of interest, such interest shall at once become principal, and bear interest at the rate aforesaid, and all interest on arrear of principal, or interest shall be a charge upon the said lands.

4. If payment of principal be not made at maturity, or within one month thereafter, the mortgagor to pay an additional sum equal to three months' interest in advance.

4. And the mortgagors for themselves, their heirs, executors, administrators and assigns, covenant with the Company and their assigns, that in the event of non-payment of the said principal moneys at the time or times herein provided, or within one month thereafter, with interest for said month; then the mortgagors, their heirs, executors, administrators, or assigns,

shall not require the company or their assigns to accept payment of said principal moneys without paying a bonus equal to three months' interest in advance on the said principal moneys; such bonus to be in lieu of notice of intention to pay, the right to give, or receive which notice is hereby waived.

5. The said mortgagor covenants with the said company

5. And the said mortgagor doth hereby for himself, his heirs, executors, administrators and assigns; covenant, promise, and agree to, and with the said company, their successors and assigns, in manner following, that is to say:—

6. That the said mortgagor will insure the buildings on the said lands.

6. And also, that the said mortgagor, his executors, administrators, or assigns shall and will forthwith insure, unless already insured, and during the continuance of this security keep insured against loss or damage by fire, in such proportions upon each building as may be required by the said company, their successors or assigns, the messuages and buildings now or hereafter to be erected on the said lands, tenements, hereditaments, and premises hereby conveyed or mentioned, or intended so to be to the extent of the insurable value of such buildings; but not to a greater amount than moneys hereby secured in some insurance office to be approved of by the said company, their successors or assigns, and pay all premiums and sums of money necessary for such purpose as the same shall become due, and will within three days prior to the expiry of such policy pay the renewal premiums, and produce the receipt to the said company; and will, without demand, assign, transfer, and deliver over unto the said company, their successors or assigns, the policy or policies of insurance, receipt and receipts

thereto appertaining, and in case of any default in performance of this covenant, the said company, their successors or assigns, may effect the insurance herein provided for, and if the said company, their successors or assigns shall pay any premiums or sums of money for insurance of the said premises or any part thereof, the amount of such payments shall be added to the debt hereby secured, and shall be a charge on said land, and shall bear interest at the same rate from the time of such payments, and shall be payable at the time appointed for the then next ensuing payment of interest on the said debt, and that the company shall have a lien for the mortgage debt, and interest on all insurance on said buildings, whether effected under this covenant or not, and notwithstanding, the same may be payable to the mortgagor, or to some other person, or assigned to such third person; and in case any machinery or plant for manufacturing or business purposes, are now, or shall hereafter be affixed to, or placed upon said land or buildings, then such part of said insurance as may be required by the company or their assigns, shall be applied to the insurance of said machinery or plant, and all the provisions of this covenant as to payment of premiums shall apply to such insurance, as well as insurance effected on buildings alone.

7. And the said mortgagor doth release to the said company all his claims upon the said lands subject to the said proviso,

7. And the said mortgagor hath released, remised, and forever quitted claim, and by these presents doth release, remise, and forever quit claim unto the said company, their successors and assigns, all and all manner of right, title, interest, claim, and demand whatsoever, both at law and in equity of, into and out of



the said lands, tenements, hereditaments, and premises hereby conveyed or mentioned, or intended so to be, and every part and parcel thereof, so as that neither the mortgagor, his heirs, executors, administrators or assigns, shall or may at any time hereafter, have, claim, pretend to challenge or demand the said lands, tenements, hereditaments and premises, or any part thereof, in any manner, however subject always to the said above proviso; but the said mortgagee, his heirs or assigns, and the said lands, tenements, hereditaments, and premises, subject as aforesaid, shall from henceforth, forever hereafter be exonerated and discharged, of and from all claims and demands whatsoever, which the said mortgagor, his heirs or assigns might, or could have upon the said company or their assigns, in respect of the said lands, tenements, hereditaments, and premises, or upon the said lands, tenements, hereditaments and premises.

8. Provided that the said company on default of payment for                      month, may enter on, and lease or sell the said lands.

8. Provided always, and it is hereby agreed and declared by and between the parties to these presents, that if the said mortgagor, his heirs, executors, or administrators or assigns, shall make default in any payment of the said money or interest, or any part of either of the same, or any money payable by virtue of these presents, according to the true intent and meaning of these presents, and of the proviso in that behalf hereinbefore contained, and calendar months shall have thereafter elapsed, without such payment being made (of which default, as also of the continuance of the said principal money and interest, or some part thereof on this security, the production of these presents shall be conclusive evidence), it shall, and

may be lawful to and for the said company, their successors and assigns, after giving one month's written notice to the mortgagor, his heirs or assigns, of their intention in that behalf, and that such notice may be effectually given for all intents and purposes, by leaving the same with any person on the said lands or any of them, or by placing the same on some portion thereof, or at the option of the company by publishing the same in some newspaper published in the county or city where the lands are, or by sending the same prepaid and addressed to the mortgagor at his usual post office address, and shall be sufficient although not addressed to any person or persons, by name or designation, and in case of default as aforesaid for two months additional to the period of default above mentioned, the powers hereby granted may be exercised without any notice whatsoever, and without any further consent or concurrence of the said mortgagor, his heirs or assigns, or any notice to him or them, to enter into possession of the said lands, tenements, hereditaments, and premises hereby conveyed, or mentioned, or intended so to be, and to receive and take the rents, issues and profits, thereof, and whether in or out of possession of the same to make any lease or leases thereof, or of any part thereof, as he shall think fit, and also to sell and absolutely dispose of the said lands, tenements, hereditaments, fixtures and premises, or terms of years, hereby conveyed, or mentioned, or intended so to be, or any part or parts thereof, with the appurtenances by public auction or private contract, or partly by public auction, and partly by private contract as to him shall seem meet, and to convey and assure the same when so

sold unto the purchaser or purchasers thereof, his heirs and assigns, or as he, she, or they shall direct and appoint, and to execute and do all such assurances,<sup>r</sup> acts, matters and things, as may be found necessary for the purpose aforesaid, and the said company shall not be responsible for any loss which may arise by reason of any such leasing or sale, as aforesaid, unless the same shall happen by reason of their wilful neglect or default; it being agreed that sales may be made from time to time of portions of said lands, or of the equity of redemption in the whole of said lands, subject to the amount not yet payable according to the proviso, to satisfy interest or parts of principal overdue, leaving the principal or balance thereof to run at interest payable as aforesaid, and may make any stipulation as to title or evidence, or commencement of title, or otherwise, which they should deem proper, and may buy in, rescind, or vary any contract for sale of any of the said lands, and resell without being answerable for loss occasioned thereby, and the purchaser at any sale hereunder shall not be bound to see to the propriety or regularity thereof, and that no want of notice of publication or other irregularity shall invalidate any sale hereunder in the hands of a *bona fide* purchaser; and it is hereby further agreed between the parties to these presents, that until such sale or sales shall be made as aforesaid, the said company, their successors or assigns shall and will stand, and be possessed of, and interested in the rents and profits of the said lands tenements, hereditaments, and premises in case they shall take possession of the same, on any default as aforesaid, and after such sale or sales, shall stand

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and be possessed of, and interested in the moneys to arise and be produced by such sale or sales, or which shall be received by the company, their successors or assigns, by reason of any insurance upon the said premises or any part thereof, upon trust in the first place to pay and satisfy the costs and charges of preparing for, and making sales, leases, and conveyances as aforesaid, and all other costs and charges, damages, and expenses which the said company, their successors or assigns, shall bear, sustain or be put to for taxes, rent, insurance, and repairs, and all other costs and charges which may be incurred in inspecting, taking, recovering, or keeping possession of said land, or by reason of non-payment, or procuring payment of moneys secured hereby, and about the execution of any of the trusts in him hereby reposed, and in the next place, to pay and satisfy the principal sum of money and interest hereby secured, or mentioned, or intended so to be, or so much thereof as shall remain due and unsatisfied, up to, and inclusive of the day whereon the principal sum shall be paid and satisfied; and after full payment and satisfaction of all such sums of money and interest as aforesaid upon the further trust that the said company, their successors or assigns, do and shall pay the surplus if any, to the said mortgagor, his executors, administrators or assigns, or as he shall direct and appoint, and shall also, in such event, at the request, costs and charges of the said mortgagor, his heirs or assigns, convey and assure unto the said mortgagor his heirs or assigns, or to such person or persons as he shall direct and appoint all such parts of the said lands, tenements, hereditaments, and premises as shall remain un-

sold for the purposes aforesaid, freed and absolutely discharged, of and from all estate, lien, charge and encumbrance, whatsoever by the said company, their successors or assigns in the meantime, so as no person who shall be required to make or execute any such assurances, shall be compelled for the making thereof, to go or travel from his usual place of abode; provided always, and it is hereby further declared and agreed by and between the parties to these presents, that notwithstanding the power of sale, and other the powers and provisions contained in these presents, the said company, their successors or assigns, shall have and be entitled to the right of foreclosure of the equity of the redemption of the said mortgagor, his heirs and assigns, in the said lands, tenements, hereditaments, and premises as fully and effectually as he might have exercised and enjoyed the same in case the power of sale, and the other former provisoes and trusts incident thereto, had not been herein contained.

9. Provided that the company may distrain for arrears of interest.

9. And it is further covenanted, declared and agreed by and between the parties to these presents that if the said mortgagor, his heirs, executors or administrators, shall make default in payment of any part of the said interest at any of the days or times hereinbefore limited for the payment thereof, it shall and may be lawful for the said company, their successors or assigns to distrain therefor upon the said lands, tenements, hereditaments and premises, or any part thereof, and by distress warrant to recover by way of rent reserved, as in the case of a demise, of the said lands, tenements, hereditaments and premises so much of said interest as shall from



time to time be in arrear and unpaid, together with all costs, charges and expenses attending such levy or distress as in like cases of distress for rent.

10. The mortgagor attorns as tenant to the company.

10. The company lease to the mortgagor the said lands from the date hereof unto the date herein provided for the last payment of any of the moneys secured, undisturbed by the company or their assigns, he the mortgagor paying therefor in every year during the said term, on the days in the above proviso for redemption appointed for payment of the moneys hereby secured such rent or sum as equals in amount the amount payable on such days respectively according to the said proviso. And it is agreed that such payments when so made shall respectively be taken, and be in all respects in satisfaction of the moneys so then payable according to the said proviso, and the company shall only be liable to account for rents actually received. Provided always and it is agreed that in case any of the covenants or agreements herein be untrue or unobserved, or broken at any time, the company or their assigns may, without any previous demand or notice, enter on the said lands or any part thereof in the name of the whole, and take and retain possession thereof, and determine the said lease.

11. Provided that in default of the payment of interest the principal shall become payable.

11. Provided always, and it is hereby further expressly declared and agreed by and between the parties to these presents, that if any default shall at any time happen to be made of or in the payment of the interest money hereby secured or mentioned or intended so to be, or any part thereof, then and in such case the principal money hereby secured or mentioned or in-

tended so to be, and every part thereof shall forthwith become due and payable in like manner and with the like consequences and effects to all intents and purposes whatsoever, as if the time herein mentioned for payment of such principal money had fully come and expired, but that in such case the said mortgagor, his heirs or assigns shall, on payment of all arrears under these presents, with lawful costs and charges in that behalf, at any time before any judgment in the premises recovered at law or within such time as by the practice of equity, relief therein could be obtained, be relieved from the consequences of non-payment of so much of the money secured by these presents or mentioned, or intended so to be as may not then have become payable by reason of lapse of time.

12. Registration shall not bind the company to advance money.

12. And it is agreed that neither the execution or registration of this mortgage nor the advance in part of the moneys secured hereby shall bind the Company to advance the said moneys or any unadvanced portion thereof.

13. The company to be entitled to the rights of incumbrances paid off.

13. And it is hereby declared that in case the company satisfies any charge on the lands, the amount paid shall be payable forthwith with interest, and in default, the powers of sale hereby given shall be exercisable, and in the event of the money hereby advanced, or any part thereof being applied to the payment of any charge or incumbrance, the company shall stand in the position and be entitled to all the equities of the person or persons so paid off.

14. Provided that until default of payment the mortgagor shall have quiet possession of the said lands.

14. And provided also and it is hereby further expressly declared and agreed by and between the parties to these

presents—that until default shall happen to be made of or in the payment of the said sum of money hereby secured or mentioned or intended so to be, or the interest thereof, or any part of either of the same, or the doing, observing, performing, fulfilling, or keeping some one or more of the provisions, agreements, or stipulations herein set forth contrary to the true intent and meaning of these presents, it shall and may be lawful to and for the said mortgagor, his heirs and assigns, peaceably and quietly to have, hold, use, occupy, possess and enjoy the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, with their and every of their appurtenances, and receive and take the rents, issues and profits thereof to his own use and benefit without let, suit, hindrance, interruption, or denial of or by the said company and their successors or assigns, or of or by any other person or persons, whomsoever lawfully claiming, or who shall or may lawfully claim by, from, under or in trust for him, her, them or any or either of them.

No. 141.

4th Session, 6th Legislature, 52 Vic., 1890.

BILL.

Companies' Short Form Mortgage Act.

First Reading, 25th February, 1890.

MR. LEYS.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 121 of *The Assessment Act* is repealed and the following substituted therefor :—

Rev. Stat. c. 193, s. 121, repealed.

121. The clerk of every municipality shall also make out a roll in which he shall enter the lands of non-residents whose names have not been set down in the assessor's roll, together with the value of every lot, part of lot, or parcel as ascertained after the revision of the rolls: and he shall enter opposite to each lot or parcel all the rates or taxes with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the collector's roll, and shall transmit the roll so made out, certified under his hand, to the treasurer of the municipality on or before the 1st day of November.

Clerk to make out roll of lands of non-residents whose names not in assessment rolls.

2. Sections 138, 139 and 140 of the said Act are repealed, and the following substituted therefor :

Rev. Stat. c. 193, ss. 138, 139 and 140, repealed.

138 The Commissioner of Crown Lands shall, in the month of February in every year, transmit to the treasurer of every municipality a list of all the land within the municipality patented, located as free grants, sold or agreed to be sold by the Crown, or leased, or appointed to any person, or in respect of which a license of occupation issued during the preceding year.

Annual lists of lands granted to be furnished by Commissioner of Crown Lands

139. The treasurer shall furnish to the clerk of the municipality a copy of the said lists, so far as regards lands in such municipality, and such clerk shall furnish the assessors respectively with a statement showing what lands in the said annual list are liable to assessment within such assessor's assessment district.

Treasurer to furnish copies of lists to clerks of municipality.

140. The treasurer of every municipality shall furnish to the clerk of such municipality, and the treasurer of every municipality shall furnish to the clerk of his municipality a list of all the lands in his municipality in respect of which any taxes have been in arrears for the three years next preceding the 1st day of January in any year; and the said list shall be so furnished on or before the 1st day of February in every year, and shall be headed in the words following: "List of lands liable to be sold for arrears of taxes in the year 18 "; and, for the purposes of this Act, the taxes for the first year of the three which have expired under the provisions of this Act, on any

Treasurer to furnish clerk with list of lands three years in arrears for taxes.



land to be sold for taxes, shall be deemed to have been due for three years, although the same may not have been placed upon a collector's roll until some month in the year later than the month of January.

Rev. Stat. c.  
193, s. 143 (2),  
repealed.

3. Sub-section (2) of section 143, of the said Act, is repealed, and the following substituted therefor :—

5

Treasurer to  
certify taxes  
due.

(2) Except in the cases provided for by sections 52 and 54, on or before the 1st day of July in the then current year, the treasurer shall return to the clerk of the municipality an account of all arrears of taxes due in respect of such occupied lands, including the percentage chargeable under section 157 of this Act. 10

Rev. Stat. c.  
193, s. 145,  
repealed.

4. Section 145 of the said Act, and the sub-sections thereof are repealed.

Rev. Stat. c.  
193, s. 146,  
repealed.

5. Section 146 of the said Act is repealed, and the following substituted therefor :—

15

Liability of  
lands to sale  
if arrears are  
not paid, and  
when.

146. In case the arrears of taxes upon the occupied lands of non-residents, directed by section 143 of this Act to be placed on the collector's roll, or any part thereof, remain in arrears, such land shall be liable to be sold for such arrears, and shall be included in the next or ensuing lists of lands to be sold by the treasurer, under the provisions of section 160 of this Act, notwithstanding that the same may be occupied in the year when such sale takes place ; and such arrears shall not again be placed upon the collector's roll for collection. 20

Rev. Stat. c.  
193, s. 148,  
repealed.

6. Section 148 of the said Act is repealed.

25

Rev. Stat. c.  
193, s. 152,  
repealed.

7. Section 152 of the said Act is repealed, and the following substituted therefor :—

Entry of  
lands in  
arrear in  
books of  
treasurer.

152. The treasurer of every municipality shall keep a book in which he shall enter all the lands in the municipality on which it appears from the returns made to him by the clerk, and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due ; and he shall, on the 1st day of May in every year, complete and balance his books by entering against every parcel of land the arrears (if any) due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears (if any) chargeable upon the land at that date. 30 35

Rev. Stat. c.  
193, ss. 155  
and 156, re-  
pealed.

8. Sections 155 and 156 of the said Act are repealed, and the following substituted therefor :—

40

Treasurer to  
correct errors.

155. The treasurer may correct any clerical error which he himself discovers, from time to time, or which may be certified to him by the clerk of the municipality.

Pretended  
receipts for  
taxes.

156. If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee, or other municipal officer, he shall not be bound to accept the same until he has received a report from the clerk of the municipality, certifying the correctness 45

thereof, or until he is otherwise satisfied that such tax has been paid.

9. Section 158 of the said Act is repealed, and the following substituted therefor:—

Rev. Stat. c. 193, s. 158, repealed.

5 158. When the treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes in the municipality, he may issue a warrant under his hand and seal to the collector of such municipality, who shall thereby be authorized to levy the amount due, upon any goods and  
10 chattels found upon the land, in the same manner and subject to the same provisions, as are contained in sections 122 to 128 inclusive of this Act, with respect to distresses made by collectors.

Procedure when there is distress upon lands of non-residents.

10. Section 160 of the said Act is repealed, and the following substituted therefor:—

Rev. Stat. c. 193, s. 160, repealed.

160. Where a portion of the tax on any land has been due for and in the third year or for more than three years preceding the current year, the treasurer of the municipality shall, unless otherwise directed by a by-law of the municipal council,  
20 submit to the mayor in case of cities and towns, and the reeve in the case of townships and villages, a list in duplicate of the lands liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the mayor or reeve, as the case may be, shall  
25 authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the municipality, and the other shall be returned to the treasurer, with a warrant thereto annexed, under the hand of the mayor or reeve, as the case  
30 may be, and the seal of the municipality, commanding him to levy upon the land for the arrears due thereon with his costs.

When lands to be sold for taxes.

11. Section 161 of the said Act is repealed, and the following substituted therefor:—

Rev. Stat. c. 193, s. 161, repealed.

161. The council of every municipality shall have power  
35 from time to time to extend beyond the term of three years, the time for the enforced collection by sale of non-resident taxes by by-law passed for that purpose.

Council may extend time for payment.

12. Sections 163 and 164 of the said Act are repealed, and the following substituted therefor:—

Rev. Stat. c. 193, ss. 163 and 164, repealed.

40 163. The treasurer shall not sell any lands which have not been included in the lists furnished by him to the clerk of the municipality in the month of February preceding the sale, or any of the lands which have been returned to him as being occupied under the provisions of section 143 of this Act, except the lands the arrears for which have been placed on the  
45 collection roll of the preceding year and again returned unpaid and still in arrear in consequence of insufficient distress being found on the lands.

What lands only the treasurer shall sell.

164. The treasurer shall prepare a copy of the list of lands  
50 to be sold, required by section 160 of this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for the commissions authorized by this Act to be paid to him, distinguish-

Treasurer to prepare list of lands to be sold and advertise in Gazette.

ing the lands as patented, unpatented, or under lease or license of occupation from the Crown, and shall cause such list to be published four weeks in the *Ontario Gazette*, and once a week, for thirteen weeks, in some newspaper published in the municipality, or if none be so published, in a newspaper published in the county in which such municipality is situated, or if none be so published, in a newspaper published in some adjoining county. 5

Rev. Stat. c.  
193, s. 167,  
repealed.

**13.** Section 167 of the said Act is repealed, and the following substituted therefor:— 10

Notice to be  
posted up.

167. The treasurer shall also post a notice similar to the said advertisement in some convenient and public place within the municipality at least three weeks before the time of sale.

Rev. Stat 193,  
s. 170 (2, 3),  
repealed.

**14.** Sub-sections (2) and (3) of section 170 of the said Act are repealed, and the following substituted therefor:— 15

When land  
does not sell  
for full amount  
of taxes.

(2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than one week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the newspaper, or in one of the papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same, except upon payment to the treasurer of the full amount of taxes due, together with the expenses of sale; and the treasurer shall account to the municipality for the full amount of taxes paid. 20 25

Purchase by  
municipalities  
of land sold  
for taxes.

(3) If the council of the municipality in which the same shall be situate desire to become the purchasers of any lot to which sub-section 2 refers for the amount of the arrears of taxes thereon, it shall be lawful for such municipality to purchase the same if the price offered at such adjourned sale shall be less than the amount of such arrears, and if the council of the municipality shall before the day of such adjourned sale have given notice in writing of the intention so to do, and it shall be the duty of the council of such municipality to sell any lands which shall be so acquired within three years from the time when they shall be acquired. 30 35 40

Rev. Stat. c.  
193, s. 173  
repealed.

**15.** Section 173 of the said Act is repealed, and the following substituted therefor:—

Treasurer selling to give purchaser a certificate of land sold.

173. The treasurer, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to sections 170 and 171 of this Act, will be executed by the treasurer and mayor or reeve, as the case may be, on his or their demand, at 45 50



any time after the expiration of one year from the date of the certificate, if the land is not previously redeemed.

16. Sections 181 and 182 of the said Act are repealed, and the following substituted therefor:—

Rev. Stat. c. 193, ss. 181 and 182, repealed.

- 5 181. If the land is not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale as aforesaid, then, on the demand of the purchaser, or his assigns, or other legal representative, at any time afterwards, and on payment of \$1, the treasurer shall prepare and execute
- 10 with the mayor in the case of cities and towns, and with the reeve in the case of townships and villages, and deliver to him or them a deed in duplicate of the land sold, in which deed any number of lots may be included at the request of the purchaser or any assignee of the purchaser.
- 15 182. The words "treasurer" and "mayor" and "reeve" in the preceding section shall mean the persons who at the time of the execution of the deed in such section mentioned hold the said offices.

Deed of sale, if not redeemed.

Meaning of words treasurer, mayor and reeve.

17. Sub-section 1 of section 184 of the said Act is repealed, and the following substituted therefor:—

Rev. Stat. c. 193, s. 184, (1), repealed.

- 184.—(1) The deed shall be registered in the registry office of the registry division in which the lands are situate, within eighteen months after the sale, otherwise the parties claiming under such sale shall not be deemed to have preserved their
- 25 priority as against a purchaser in good faith who has registered his deed prior to the registration of the deed mentioned in section 181 of this Act.

Deed to be registered within eighteen months to obtain priority.

18. Section 187 of the said Act is repealed, and the following substituted therefor:—

Rev. Stat. c. 193, s. 187, repealed.

- 30 187. The treasurer shall enter in a book, which the council shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall, together with all copies of collector's rolls and
- 35 other documents relating to non-resident lands, be by him kept among the records of the municipality.

Treasurer to enter in a book descriptions of lands conveyed to purchaser by him.

19. Section 204 of the said Act is repealed.

Rev. Stat. c. 193, s. 204, repealed.

20. Sections 205, 206, 207, 208 and 209 of the said Act are repealed, and the following substituted therefor:—

Rev. Stat. c. 183, ss. 205-209, repealed.

- 40 205. The treasurer of every municipality shall keep a triplicate blank receipt book, and on receipt of any sum of money for taxes on land, shall deliver to the party making payment one of such receipts, and shall deliver to the clerk of the municipality the second of the set, with the corresponding
- 45 number, retaining the third of the set in the book, the delivery of such receipts to be made to the clerk at least every three months; and the clerk of the municipality shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the party making payment; the lot on which the
- 50 payment is made; the amount paid; the date of payment and the number of the receipt; and the auditors shall examine

Treasurers, etc., to keep triplicate blank receipt books.

Audit of books, etc.

and audit such books and accounts at least once in every twelve months.

On incorporation of a town or village list of arrears to be transmitted to treasurer.

206. Upon the incorporation of any new town or village in any municipality, the treasurer of such last mentioned municipality shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situated in the newly incorporated town or village, and transmit the same to the treasurer of the town or village, who, after the receipt of the said list, shall have, with the mayor, in the case of towns, and with the reeve, in the case of villages, all the powers possessed by the treasurer and reeve of the municipality out of which said town or village has been formed, for the collection of such taxes and the enforcement of the same by sale, but in such list the treasurer of the municipality out of which said town or village has been formed, shall not include any lot then advertised for sale for taxes.

15

How arrears collected when new municipality formed.

207. In cases where a new municipality is formed partly from two or more municipalities, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the newly formed municipality, and for the purpose of enabling him to make the collection, the treasurers of the other municipalities, from which any portion of the new municipality is detached, shall immediately upon the formation thereof make out lists of the arrears of taxes then due in their respective portions, and transmit the same to the treasurer of the new municipality.

25

Who may take proceedings to enforce collection.

208. The treasurer and mayor of the new municipality, if it be a town, and the treasurer and reeve, if it be a village, shall have power respectively to take for the collection of such arrears of taxes all the proceedings which treasurers and mayors or treasurers and reeves can take for the sale and conveyance of land in arrear for taxes, and in case the lands in the new municipalities have been advertised by the treasurers of the municipalities of which the new municipality formed part before its formation, the sale of such lands shall be completed in the same manner as if such new municipality had not been formed.

30

35

Proceedings where return made to treasurer before separation.

209. Where any municipality or part of a municipality has been or may be hereafter separated from one municipality and included in another after a return has been made to the treasurer of the municipality to which it formerly belonged of lands in arrear for taxes, but such lands have not been advertised for sale by the treasurer of such former municipality, such treasurer shall return to the treasurer of the municipality to which such territory belongs a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and mayor, in the case of cities and towns, and the treasurer and reeve in the case of townships and villages, of the municipality to which the territory belongs shall have power respectively to take all the proceedings which treasurers and mayors or reeves under this Act can take for the sale and conveyance of lands in arrear for taxes: but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyance of lands previously sold shall be made in like manner.

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21. Sections 210 to 222, both inclusive of the said Act, are repealed. Rev. Stat. c. 193, ss. 210-222 repealed.
22. Sections 246, 247, 248, 249 and 250 of the said Act are repealed and the following substituted therefor :— Rev. Stat. c. 193, ss. 246-250 repealed.
- 5 246. The treasurer of every municipality shall be accountable and responsible to the Crown for all moneys collected for any of the purposes mentioned in section 240 of this Act, and shall pay over such moneys to the Treasurer of the Province. Treasurer, to account for and pay over Crown moneys.
- 10 247. Every municipality shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the treasurer of the municipality, in virtue of his office, shall be by him duly paid over and accounted for according to law. Municipality responsible for such moneys.
- 15 248. The treasurer and his sureties, shall be responsible and accountable for such moneys in like manner to the municipality, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands belonging to the municipality, shall be taken to apply to all such moneys as are mentioned in section 240, and may be enforced against the treasurer or his sureties, in case of default on his part. Treasurer, responsible to municipality.
- 20 249. The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province; and in case of any default, Her Majesty may enforce the responsibility of the municipality by stopping a like amount out of any public money which would otherwise be payable to the municipality or to the treasurer thereof, or by action against the corporation. Bonds to apply to school moneys.
- 25 250. Any person aggrieved by the default of the treasurer may recover from the corporation of the municipality the amount due or payable to such person as money had and received to his use. Municipality responsible for default of treasurer.
- 30 23. The treasurer of every minor municipality shall annually, on or before the first day of February, make a return to the treasurer of the county in which the municipality is situated, shewing what lands, during the preceding year, have been sold or purchased by the municipality, under the powers by this Act conferred. Returns to county treasurer.
- 35 24. Schedule K of the said Act is hereby repealed and the following substituted therefor :— Rev. Stat. c. 193, sched K, repealed.
- 40

## SCHEDULE K.

(Section 183.)

### FORM OF TAX DEED.

To all to whom these presents shall come :

We, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, esquire, mayor (or reeve),  
and \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, esquire, treasurer, of the city  
(or town, or township, or village) of \_\_\_\_\_, send greeting ;

Whereas by virtue of a warrant under the hand of the mayor (*or reeve*) and seal of the said city (*or town, or township, or village*) bearing date the            day of           , in the year of our Lord one thousand eight hundred and           , commanding the treasurer of the said city (*or town, or township, or village*) to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon, with his costs, the treasurer of the said city (*or town, or township, or village*) did on the day of           , 18           , sell by public auction to            of the            of            in the county of           , that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of            of lawful money of Canada on account of the arrears of taxes alleged to be due thereon up to the            day of           , in the year of our Lord one thousand eight hundred and            together with costs.

Now, know ye, that we, the said            and            as mayor (*or reeve*) and treasurer of the said city (*or town, or township, or village*) in pursuance of such sale and of *The Assessment Act*, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said            his heirs and assigns all that certain parcel or tract of land and premises containing being composed of (*describe the land so that the same may be readily identified.*)

In witness whereof we, the said mayor (*or reeve*) and treasurer of the said city (*or town, or township, or village*), have hereunto set our hands and affixed the seal of the said city (*or town, or township, or village*), this            day of            in the year of our Lord one thousand eight hundred and           , and the clerk of the city (*or town, or township, or village*) has countersigned.

Countersigned,  
E. F.  
Clerk.

[Corporate Seal.]  
A. B.,  
Mayor,  
C. D.,  
Treasurer.

---

#### NOTICE OF SALE OF LANDS IN ARREAR FOR TAXES.

City (*or Town, or Township,* }  
or Village) of }  
TO WIT:

By virtue of a warrant, as subjoined, issued by the mayor (*or reeve as the case may be*) of            and bearing date the            day of           , 18           , for the collection of arrears of assessments due upon the undermentioned lands in the said            (all such lands being patented lands, *if none of such lands unpatented*) I shall on            day, the            day of            A.D., 18           , at the hour of            in the            noon, at the            in the            of            proceed to sell the said lands by public auction, or such portions thereof as shall be necessary

to pay such arrears, together with all charges thereon, unless the same be sooner paid.

(Signed) A. B.,

City (Town, Village, or Township) Treasurer.

City (Town, Village, or  
Township) Treasurer's Office.

(Address) 18 .

No. of Registry in Treasurer's Books.	Description of property to be sold for Arrears of Taxes.	Names of persons assessed as owners or otherwise.	Years for which Taxes in Arrear.	Amount of Taxes in Arrear.	Charges for Com- mission.	Charges for Adver- tising.	Total.	REMARKS.

(Here subjoin warrant.)

No. 142.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend The Assessment Act.

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First Reading, 25th February, 1890.

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MR. SPRAGUE.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 143.]

## BILL.

[1890.

### An Act to amend The Street Railway Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section 18 of *The Street Railway Act* is hereby amended  
5 by adding thereto the following sub-section,—

Rev. Stat. c.  
171, s. 18,  
amended.

(3) The council of any municipality in which there is any ex-  
isting street railway, operated by a company under any special  
Act or Acts, may after giving six months notice to the com-  
pany, assume the ownership of such railway and of the real  
10 and personal property used in connection with the working  
thereof, on payment of the value thereof, to be determined by  
arbitration pursuant to *The Municipal Act*, and the provisions  
of section 19 hereinafter following, shall apply to every such  
railway.

Expropriation  
of street rail-  
way by coun-  
cil.

Rev. Stat. c.  
184.



No. 143.

4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act to amend The Street Railway Act

First Reading, 25th February, 1890.

Mr. BRONSON.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

No. 144.]

## BILL

[1890.

An Act to amend The Act for the protection of  
Game and Fur-Bearing Animals.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Sub-section 1 of section 12, of *The Act for the Protec-* Rev. Stat., c.  
tion of Game and Fur-bearing Animals" is hereby amended 221, s. 12 (1)  
by striking out the word "or" in the second and fourth lines amended.  
of said sub-section, and by inserting after the word "caribou"  
in each of said lines, the words "or quail."

2. Section 12 of said Act is further amended by inserting Sale of quail  
the following therein as sub-section 2 of the said section: prohibited.

(2) No person shall by himself, his clerk, servant or agent,  
expose, or keep for sale, or directly or indirectly upon any pre-  
tence or any device, sell or barter, or in consideration of the  
purchase of any other property, give to any other person any  
quail, hunted, taken or killed in the Province of Ontario, and this  
sub-section shall continue in force until the day of  
189 .

3. Sub-section 2 of said section 12 is amended by striking Rev. Stat., c.  
out the figure "2" in the first line thereof and inserting in lieu 221, s. 12, sub-  
thereof the figure "3"; and by adding the words "or bird" at s. 2 amended.  
the end of the sub-section.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The Act for the protection of Game and Fur-bearing Animals.

---

First Reading, 25th February, 1890.

---

Mr. CLARKE (*Wellington*.)

---

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to amend The Act for the protection of  
Game and Fur-Bearing Animals.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Sub-section 1 of section 12, of *The Act for the Protection of Game and Fur-bearing Animals* is hereby amended Rev. Stat., c. 221, s. 12 (1) amended. by striking out the word "or" in the second and fourth lines of said sub-section, and by inserting after the word "caribou" in each of said lines, the words "partridge or quail."

2. Section 12 of said Act is further amended by inserting Sale of quail prohibited. the following therein as sub-section 2 of the said section:

(2) No person shall by himself, his clerk, servant or agent, expose, or keep for sale, or directly or indirectly upon any pretence or any device, sell or barter, or in consideration of the purchase of any other property, give to any other person any quail, hunted, taken or killed in the Province of Ontario, and this sub-section shall continue in force until the *fifteenth* day of *October* 1893.

3. Sub-section 2 of said section 12 is amended by adding Rev. Stat., c. 221, s. 12, sub s. 2 amended. the words "or bird" at the end of the said sub-section.

4th Session, 6th Legislature, 58 Vic., 1890.

BILL.

An Act to amend the Act for the protection of Game and Fur-bearing Animals.

First Reading, 25th February, 1890  
Second " 7th March, 1890

*(Reprinted as amended by Select Committee)*

MR. CLARKE (Wellington)

TORONTO:

PRINTED BY WATKINS & SONS, 68 AND 70 FRONT ST. W.



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No. 145.]

## BILL.

[1890

An Act to amend The Act respecting Mortgages and  
Sales of Personal Property.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Section 24 of the Act respecting mortgages and sales of  
5 personal property is hereby amended by striking out the word  
“fifty” in the fourth line of said section, and inserting in lieu  
thereof the word “twenty five”; and by striking out the word  
“fifty” in the sixth line of said section, and by inserting in  
lieu thereof the word “twenty five.”

Rev. Stat.  
c. 125, s. 24,  
amended.

No. 145.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend The Act respecting Mortgages and Sales of Personal Property.

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First Reading, 25th February, 1890.

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MR. MEACHAM.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 146.]

## BILL.

[1890.]

An Act to amend the Law respecting Powers of Sale  
in Mortgages.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section 4 of *The Mortgage Amendment Act, 1888*, is amended by adding thereto the following sub-section : 51 Vic., c. 15,  
s. 4, amended.

(2) Whenever a mortgage purporting to be made in pursuance of *The Act respecting Short Forms of Mortgages*, being chapter 107, Revised Statutes of Ontario, 1887, contains a power of sale which provides for a sale without notice, the mortgagee, his heirs, executors, administrators or assigns may take proceedings to sell under and sell and have the benefit of the provisions of part two of *The Act respecting Mortgages of Real Estate*, as fully and effectually as if the mortgage had not contained a power of sale. Proceedings  
under power  
of sale in  
mortgages.  
Rev. Stat., c.  
102.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend the Law respecting  
Powers of Sale in Mortgages.

---

First Reading, 25th February, 1890.

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MR. GUTHRIE.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 146.]

## BILL.

[1890.

An Act to amend the Law respecting Powers of Sale  
in Mortgages.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section 4 of *The Mortgage Amendment Act, 1888*, is <sup>51 Vic., c. 15,</sup>  
amended by adding thereto the following sub-sections :

(2) Whenever a mortgage purporting to be made in pur-  
suance of *The Act respecting Short Forms of Mortgages*, being  
chapter 107, Revised Statutes of Ontario, 1887, contains a  
power of sale which provides for a sale without notice, the  
mortgagee, his heirs, executors, administrators or assigns may  
take proceedings to sell under and sell and have the benefit of  
the provisions of part two of *The Act respecting Mortgages of*  
*Real Estate*, as fully and effectually as if the mortgage had  
not contained a power of sale.

Proceedings  
under power  
of sale in  
mortgages.

Rev. Stat., c.  
102.

(3) The preceding sub-section shall be held to apply to all  
mortgages whether heretofore or hereafter made.



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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend the Law respecting  
Powers of Sale in Mortgages.

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First Reading, 25th February, 1890.  
Second " 7th March, 1890.

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*(Reprinted as amended by Select Committee).*

MR GUTHRIE.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to amend the Act respecting Snow Fences.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2 of section 1 of the *Act respecting Snow* Rev. Stat. c. 193, s. 1 sub-s. 2 amended.  
5 *Fences* is hereby amended by striking out all the words there-  
of to the word "petition" in the fifth line thereof and substituting therefor the following: "Where in a township the owners and occupants of any adjacent lands bordering upon the side of a public highway within the jurisdiction of the council of the municipality."  
10

2. The said sub-section is further amended by inserting Rev. Stat. c. 193, s. 1, sub-s. 2 amended.  
after the word "wire" in the eighth line thereof, the words  
"close board or stone."

No. 147.

4th Session, 6th Legislature 53 Vic, 1890.

BILL.

An Act to amend the Act respecting  
Snow Fences.

First Reading, 25th February, 1890.

MR. ALLAN.

TORONTO :  
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 148.]

## BILL.

[1890.

### An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 73 of *The Municipal Act* is amended by adding  
5 the following words after the word "municipality," in the 11th  
line thereof, "or, in the case of a person rated on a tract of land  
added to an incorporated village, town or city, and before a  
revised assessment of such addition has been made within the  
municipality, then on the last revised assessment roll of the  
10 municipality to which such territory formerly belonged."

Rev. Stat.  
c. 184, s. 73,  
amended.

2. Section 489 of the said Act as amended by section 23 of  
*The Municipal Amendment Act, 1888*, is further amended  
by adding the words, "other than a county" after the words  
"within the municipality," in the 18th line of sub-section 9a  
15 of the said section.

Rev. Stat.  
c. 184, s. 489,  
amended.

3. Section 511 of *The Municipal Act* is amended by adding  
thereto the following sub-section :—

Rev. Stat.  
c. 184, s. 511,  
amended.

(4) For licensing and regulating the use of horses for breed-  
ing purposes within the county.

Horses for  
breeding pur-  
poses.

No. 148.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th February, 1890.

Mr. BALFOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



## An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Registrars of deeds shall hereafter be appointed by the  
5 council of the city or county wherein the registration division for which they are appointed is situate.

Appointment  
of registrars.

2. Whenever the council of any city or county within which a registration division is situate shall pass a by-law declaring that the fees of the registrar of such registration division  
10 shall be funded, and that the registrar and his clerks shall be paid by salary, it shall on, from and after the first day of January next after the passing of such by-law be the duty of such city or county council to provide for the appointment of a registrar and such other clerks and assistants as may be  
15 required for the proper performance of the duties of the office and for the payment to them of such salaries or wages as they may think fit, and all the fees which pertain to the office of the registrar shall thereafter be received by him for the use of such city or county and by him paid over to the treasurer  
20 thereof at such times as shall by by-law of such council be directed.

Remuneration  
of registrar  
and assistants.

3. Whenever a council passes a by-law as provided by the last preceding section, the corporation which it represents shall on, from and after the first day of January next after  
25 the passing of such by-law be responsible for the due performance by the registrar of all the duties which are by law imposed upon him or which pertain to his office, and shall take security from the registrar and such clerks and assistants for the performance of their duties.

Corporation  
to be respon-  
sible for  
performance  
of duties of  
registrar.

30 4. A certified copy of every such by-law shall immediately after the passing thereof be transmitted to the Provincial Secretary, and another certified copy thereof shall be registered in the office of the registration division to which it relates.

Copy  
of by-law to  
be filed with  
Provincial  
Registrar.

5. Whenever any such by-law shall be passed as aforesaid,  
35 the registrar holding the office when it takes effect shall be entitled if he chooses to accept the office at the salary fixed by the council to continue in office as the officer of the council on his giving security as provided in section 2.

Rights of  
present incum-  
bents of regis-  
try offices.

6. The salary fixed by the council shall in the case of regis-  
40 trars to which the preceding section applies, be subject to the approval of the Lieutenant-Governor-in-Council.

Salaries to  
be approved  
by Lieut-Gov-  
ernor-in-  
Council.

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No. 149.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The Registry Act.

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First Reading, 25th February, 1890.

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MR. MEREDITH.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 150.]

## BILL

[1890.

### An Act to amend the Act respecting the Law of Landlord and Tenant.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Sub-section 4 of section 28 of the *Act respecting the* Rev. Stat. c.  
5 *Law of Landlord and Tenant* is repealed and the following 143, s. 28,  
substituted therefor : sub-s. 4  
repealed.

(4) In case of an assignment for the general benefit of Preferential  
creditors, the preferential claim of the landlord for rent, not- claims of land-  
withstanding any provision to the contrary in the lease or lord limited to  
or six month's  
10 other instrument under which such landlord claims shall be rent.  
restricted to rent for a period not exceeding six months in the  
whole, and such preferential claim shall in no case be allowed  
for a longer period after the date of the assignment than three  
months.

No. 150.

4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act to amend the Act respecting the Law  
of Landlord and Tenant.

First Reading, 26th February, 1890.

MR. SMITH,  
(*East York.*)

TORONTO :

PRINTED BY WAIRWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to amend the Act respecting Mortgages and Sales of Personal Property.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The provisions of the *Act respecting Mortgages and Sales of Personal Property* shall not apply to mortgages or conveyances of personal property of incorporated companies incorporated by or under Imperial Act or charter, or Dominion Act or charter, or under Act or charter of the Province of Ontario entered into for the purpose of securing the bonds and debentures of such companies, but every such mortgage shall within one month from the execution thereof be registered in the office of the Provincial Secretary for the Province of Ontario, together with an affidavit made by the president or vice-president or manager of the said company, which affidavit shall state that the said mortgage was executed in good faith and for the purpose of securing the payment of the amount of the said bonds or debentures and not for the purpose of protecting the property mentioned therein against the creditors of the company or of preventing the creditors of the company from obtaining payment of any claim against the said company, and such affidavit shall also verify the amount of the debt created or to be created by the bonds or debentures mentioned in the said mortgage.

Rev. Stat. c.  
125 not to  
apply to mort-  
gages made  
by companies.

2. In any such mortgage the words "all the personal property now owned by the said company or hereafter to be acquired," or any words of like effect shall be sufficient to vest in the mortgagee all the personal estate, rights, property, credits and effects owned or possessed by the said company at the time of the execution of the said mortgage or subsequently acquired by the said company at any time prior to the payment of the bonds and debentures for which the said mortgage is a security.

What words  
sufficient to  
vest property  
in mortgagee.

3. Any such mortgage may be made to a trustee or trustees for the debenture or bondholders of any such company.

Mortg  
trustees  
bondhol



4th Session, 6th Legislature, 53 Vic., 1890

BILL.

An Act to amend the Act respecting Mortgages and Sales of Personal Property.

First Reading, 26th February, 1890.

MR. LEYS.

TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

No. 152.]

## BILL.

[1890.

An Act to amend the Act respecting Assignments and Preferences by Insolvent persons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of the *Act respecting Assignments and Preferences by Insolvent Persons*, is amended by inserting after the word "sheriff" in the third line of said section the words "or for an assignee under an assignment to which sub-section 2 of section 3 of this Act applies"; and by striking out the following words beginning at the fourth line of said section "the county in which the debtor resided or carried on business at the time of the assignment," and inserting in lieu thereof the words "Province of Ontario."
- Rev. Statute,  
c. 124, sec. 6,  
amended.

No. 152.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Act respecting Assignments and Preferences by Insolvent persons.

First Reading, 26th February, 1890.

MR. SMITH,  
(York.)

TORONTO :

PRINTED BY WARWICK & SON, 68 AND 70 FRONT ST. W.

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No. 152.]

BILL.

[1890.

An Act to amend the Act respecting Assignments and  
Preferences by Insolvent persons.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Section 6 of the *Act respecting Assignments and Prefer-* Rev. Stat.,  
ences by Insolvent Persons, is amended by inserting after the c. 124, sec. 6,  
word "sheriff" in the third line of said section the words "or  
amended.  
for an assignee under an assignment to which sub-section 2 of  
section 3 of this Act applies."

No. 152.

4th Session, 6th Legislature, 53 Vic, 1890

BILL.

An Act to amend the Act respecting  
Assignments and Preferences by Insolvent  
persons.

First Reading, 26th February, 1890.  
Second " 10th March, 1890.

*(Reprinted as amended by Select Committee)*

MR. SMITH,  
(York).

TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.



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No. 153.]

## BILL.

[1890,

### An Act to Amend the Act respecting the Law of Landlord and Tenant.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section 27 of the *Act respecting the Law of Landlord* Rev. Stat.,  
c. 143, s. 27,  
repealed.  
and *Tenant* is repealed and the following substituted there-  
for :

27. The goods and chattels exempt from seizure under  
execution shall not be liable to seizure by distress, by a land- Goods exempt  
from execution  
to be exempt  
from distress.  
lord for rent in respect of a tenancy created after the first day  
10 of October, 1887, except as hereinafter provided, but the person  
claiming such exemption may select and point out the goods  
and chattels as to which he claims exemption.

No. 153.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Act respecting the  
Law of Landlord and Tenant.

First Reading, 26th February, 1890.

MR. FELL,

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to amend The Ontario Joint Stock Companies' Letters Patent Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The word "company" shall in this Act mean any com-pany or body corporate, incorporated by the Legislative Assembly of the Province of Ontario, or under *The Ontario Joint Stock Companies' Letters Patent Act*. "Company," meaning of.

2. A depositor with any company the amount of whose deposit with such company does not at the time exceed \$200, may from time to time nominate any person or persons (such person or persons being within the *Statute of Distributions*) as successor or successors at death of such depositor, provided that such nomination is made in writing and duly deposited with the secretary or manager of the company during the lifetime of the nominator, and upon receiving a statutory declaration of the death of the nominator the company shall substitute the name of the nominee in its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased depositor. Nomination by depositor of \$200 or less of successor at death.

3. Any subsequent nomination shall be a revocation of any previous nomination. Effect of subsequent nomination.

4. If any depositor with the company has on deposit therein a sum of money not exceeding \$200 at the time of his death, and appears by the declaration hereinafter referred to to have died intestate, and without making any nomination under the preceding section, then the amount due shall be paid to the person who appears to the company to be entitled under the statute governing the distribution of personal estate in this Province, to receive the same without any one taking out letters of administration, upon the company receiving a statutory declaration of death and intestacy, and that the person claiming the deposit is the person entitled to receive the same under the said *Statute of Distributions*, and that no one has taken out letters of administration to the deceased. Disposition of deposit of \$200 or less, at death of depositor intestate.

5. Where the company after the death of any depositor has paid such sum of money to the person who at the time appeared to be entitled to the effects of the deceased, under the belief that he died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demand, from any other person as next of kin or executor or administrator or as the lawful representative of the Company paying moneys under sec. 4, not liable to representatives.

deceased depositor, against the company and its funds; but nevertheless the next of kin or lawful representative shall have his lawful remedy for the amount of such payment as aforesaid, against the person who has received the same.

Payment of  
deposit to exe-  
cutor or ad-  
ministrator  
appointed out  
of Ontario.

6. On the death of any depositor whose deposit in a com- 5  
pany does not exceed \$200 at the time of his death, and on letters  
of administration to his estate or probate of his will issuing  
out of any court or authority within the Dominion of Canada  
or any of the Provinces thereof, or in Great Britain or Ireland,  
or any part of Her Majesty's Dominions, or in any foreign 10  
country, the production and deposit with the company of such  
letters of administration or probate or an authenticated copy  
thereof or official extract therefrom, together with a statutory  
declaration or affidavit that such depositor is dead, and that no  
probate or letters of administration have issued in this Pro- 15  
vince, shall be a sufficient justification and authority to the  
company and its directors for paying the amount of such  
deposit to the person or persons to whom such letters of ad-  
ministration or probate have or has issued, as if the same were  
granted by a court within this Province. 20

Procedure  
where direc-  
tors doubtful  
of legality of  
claim.

7. Whenever the directors shall entertain reasonable doubts  
as to the legality of any claim to or upon such deposit, then  
and in such case it shall be lawful for the company to file in  
the High Court, a petition stating such doubts and praying for  
an order or judgment adjudicating and awarding the said deposit 25  
to the party or parties legally entitled to the same, and such  
court shall have authority to restrain any action or proceedings  
against the company, the directors or officers thereof, for the  
same subject matter, pending the determination of the petition;  
and the company and the directors and officers thereof shall be 30  
fully protected and indemnified by obedience to such order for  
judgment against all actions, claims and demands in respect of  
the matters which shall have been in question in such petition,  
and the proceedings thereupon; provided always that if the  
court adjudges that such doubts were reasonable, the costs, 35  
charges and expenses of the society in and about such petition  
and proceedings shall form a lien upon such deposit, and shall  
be paid to the company before the company shall be obliged to  
pay such deposit to the party or parties found entitled thereto.

Proviso.

Act to be  
retrospective.

8. This Act shall be retrospective except in respect of any 40  
case pending in any court prior to the passing of this Act.





BILL.

An Act to amend The Ontario Joint Stock  
Companies' Letters Patent Act.

First Reading, 26th February, 1890.

Mr. LEYS.

TORONTO:

PRINTED BY WATKINS & SONS, 68 & 70 FRONT ST. W.

An Act for the Suppression of Foul Brood among  
Bees.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1.—(1) The Ontario Bee-Keepers' Association shall at each  
5 annual meeting, or the executive committee of the said association shall, if in the interval between two annual meetings the occasion should arise, appoint an inspector of apiaries and a sub-inspector for the Province of Ontario, and the said inspector and sub-inspector shall be elected by the vote of the majority  
10 of the members of said association present at the annual meeting, or the vote of the majority of the members of said executive committee, as the case may be.

Appointment  
of inspector of  
apiaries.

(2) The election and appointment of the said inspector and sub-inspector, or their removal from office, as hereinafter mentioned, shall be subject to the approval of the Lieutenant-Governor in Council.

(3) The said sub-inspector may, when so directed, as hereinafter provided, perform all the duties and exercise all the powers in this Act directed to be performed or exercised by  
20 the inspector, and the provisions of this Act relating to the inspector shall be deemed to apply to and include the said sub-inspector.

2. The said inspector and sub-inspector shall hold office for  
one year from the date of the annual meeting at which they  
25 were appointed, or if they shall have been appointed by said executive committee, then until the next annual meeting after such appointment, and shall be eligible for re-election, but the said inspector or sub-inspector may at any time, subject to the approval of the Lieutenant-Governor in Council, be removed  
30 from office by the said executive committee, for neglect of duty or other sufficient cause, and in case of such removal the said executive committee shall without delay appoint a successor.

Term of office  
of inspector  
and sub-  
inspector.

3. The said inspector shall, whenever so directed by the president of the Ontario Bee-Keepers' Association, visit without  
35 unnecessary delay any locality in the Province of Ontario and there examine any apiary or apiaries to which the said president may direct him, and ascertain whether or not the disease known as "foul brood" exists in such apiary or apiaries, and whenever the said inspector shall be satisfied of the existence  
40 of foul brood in its virulent or malignant type, it shall be the duty of the inspector to order all colonies so affected, together with the hives occupied by them, and the contents of such

Inspection of  
infected  
apiaries.

hives and all tainted appurtenances to be immediately destroyed by fire under the personal direction and superintendence of the said inspector, and after inspecting infected hives or fixtures or handling diseased bees, the inspector shall, before leaving the premises, or proceeding to any other apiary, thoroughly 5 disinfect his own person and clothing, and shall see that any assistant or assistants with him have also thoroughly disinfected their persons and clothing; provided, that where the inspector, who shall be the sole judge thereof, shall be satisfied that the disease exists, but only in milder types and in its 10 incipient stages, and is being or may be treated successfully, and the inspector has reason to believe that it may be entirely cured, then the inspector may, in his discretion, omit to destroy, or order the destruction of the colonies and hives in which the disease exists. 15

**Box-hives.**

4. The inspector shall have full power, in his discretion, to order any owner or possessor of bees dwelling in box-hives, (being mere boxes without frames,) to transfer such bees to movable frame hives within a specified time, and in default of such transfer, the inspector may destroy, or order the destruc- 20 tion of, such box-hives and the bees dwelling therein.

**Penalty for disposing of infected bees or appliances.**

5. Should the owner or possessor of diseased colonies of bees, or of any infected appliances for bee-keeping, knowingly sell, or barter, or give away such diseased colonies or infected appli- 25 ances, he shall, on conviction before any justice of the peace, be liable to a fine of not less than \$50 or more than \$100, or to imprisonment for any term not exceeding two months.

**Selling bees after treatment, or exposing infected appliances.**

6. Should any person whose bees have been destroyed or treated for foul brood, sell, or offer for sale any bees, hives, or appurtenances of any kind, after such destruction or treatment, 30 and before being authorized by the inspector so to do, or should he expose in his bee-yard, or elsewhere, any infected comb, honey-wax, or other infected thing, or conceal the fact that said disease exists among his bees, he shall, on conviction before a justice of the peace, be liable to a fine of not less than \$20 35 and not more than \$50, or to imprisonment for a term not exceeding two months, and not less than one month.

**Penalty for obstructing inspector.**

7. Should any owner or possessor of bees refuse to allow the inspector or his assistant or assistants to freely examine said bees, or the premises in which they are kept, or should 40 such owner or possessor refuse to destroy the infected bees and appurtenances, or permit them to be destroyed when so directed by the inspector, he may, on the complaint of the inspector, be summoned before a justice of the peace, and, on conviction, shall be liable to a fine of not more than \$50 or less 45 than \$25 for the first offence, and not more than \$100 or less than \$50 for the second and any subsequent offences, and the said justice of the peace shall make an order directing the said owner or possessor forthwith to carry out the directions of the inspector. 50

**Special constables may be sworn in to assist inspector.**

8. Where an owner or possessor of bees shall disobey the directions of the said inspector or offer resistance to, or obstruct the said inspector, a justice of the peace may upon the complaint of the said inspector cause a sufficient number

of special constables to be sworn in, and such special constables shall under the directions of the inspector proceed to the premises of such owner or possessor and assist the inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the said inspector or constables may arrest the said owner or possessor and bring him before a justice of the peace to be dealt with according to the provisions of the preceding section of this Act.

9. Before proceeding against any person before a justice of the peace, the said inspector shall read over to such person the provisions of this Act or shall cause a copy thereof to be delivered to such person.

Inspector to inform offender of provisions of Act.

10. Every beekeeper or other person who shall be aware of the existence of foul brood either in his own apiary or elsewhere shall immediately notify the president of the Ontario Bee-Keepers' Association of the existence of such disease, and in default of so doing shall on summary conviction before a justice of the peace be liable to a fine of \$5 and costs.

Person aware of disease to notify president of Bee-Keepers' Association.

11. Upon receiving the notice in the preceding section mentioned or in any way becoming aware of the existence of foul brood in any locality, the said president shall immediately direct the said inspector to proceed to and inspect the infected premises; provided that when the person giving such notice is unknown to said president, or there is reason to believe that the information in said notice is untrustworthy, or that the person giving such notice is actuated by improper motives, then the said president may require the person giving such notice to deposit the sum of \$5 with the president as a guarantee of good faith, before the said notice shall be acted upon, and if it shall prove that said notice was properly given then the said deposit shall be returned to the person giving such notice, but otherwise the said deposit shall be forfeited to the use of the said Ontario Bee-Keepers' Association.

President to order inspector to visit infected premises.

Proviso.

12. The said association shall include in its annual report to the Minister of Agriculture a statement of the inspector's work during the preceding year, which statement shall include the number of colonies destroyed by order of the inspector, and the amount paid to him for his services and expenses for the preceding year.

Annual report of association.

13. The executive committee of the said association may from time to time make such by-laws and regulations for the control and guidance of the inspector in carrying out the provisions of this Act as they may deem necessary, and the said executive committee shall also by law fix the amount of the remuneration of the said inspector and sub-inspector, but all such by-laws and regulations shall be subject to the approval of the Lieutenant-Governor in Council.

Regulations for guidance of inspector.

No. 155.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act for the Suppression of Foul Brood  
among Bees.

First Reading 26th February, 1890.

Mr. DRURY

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



## An Act for the Suppression of Foul Brood among Bees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) The Ontario Bee-Keepers' Association shall at each annual meeting, or the *directors* of the said association shall, if in the interval between two annual meetings the occasion should arise, appoint an inspector of apiaries and a sub-inspector for the Province of Ontario, and the said inspector and sub-inspector shall be elected by the vote of the majority of the members of said association present at the annual meeting, or the vote of the majority of the *directors* as the case may be. Appointment of inspector of apiaries.

(2) The said sub-inspector may, when so directed, as herein-after provided, perform all the duties and exercise all the powers in this Act directed to be performed or exercised by the inspector, and the provisions of this Act relating to the inspector shall be deemed to apply to and include the said sub-inspector.

(3) The inspector or sub-inspector on entering upon any premises in the discharge of his duties shall, if so required, produce the certificate of the President of the said association, that he has been appointed as such inspector, or sub-inspector, as the case may be.

2. The said inspector and sub-inspector shall hold office for one year from the date of the annual meeting at which they were appointed, or if they shall have been appointed by the *directors*, then until the next annual meeting after such appointment, and shall be eligible for re-election, but the said inspector or sub-inspector may at any time, subject to the approval of the Lieutenant-Governor in Council, be removed from office by the *directors*, for neglect of duty or other sufficient cause, and in case of such removal the *directors* shall without delay appoint a successor. Term of office of inspector and sub-inspector.

3. The said inspector shall, whenever so directed by the president of the Ontario Bee-Keepers' Association, visit without unnecessary delay any locality in the Province of Ontario and there examine any apiary or apiaries to which the said president may direct him, and ascertain whether or not the disease known as "foul brood" exists in such apiary or apiaries, and whenever the said inspector shall be satisfied of the existence of foul brood in its virulent or malignant type, it shall be the duty of the inspector to order all colonies so affected, together Inspection of infected apiaries.

with the hives occupied by them, and the contents of such hives and all tainted appurtenances *that cannot be disinfected*, to be immediately destroyed by fire under the personal direction and superintendence of the said inspector, and after inspecting infected hives or fixtures or handling diseased bees, the inspector shall, before leaving the premises, or proceeding to any other apiary, thoroughly disinfect his own person and clothing, and shall see that any assistant or assistants with him have also thoroughly disinfected their persons and clothing; provided, that where the inspector, who shall be the sole judge thereof, shall be satisfied that the disease exists, but only in milder types and in its incipient stages, and is being or may be treated successfully, and the inspector has reason to believe that it may be entirely cured, then the inspector may, in his discretion, omit to destroy, or order the destruction of the colonies and hives in which the disease exists.

**Box-hives.**

4. The inspector shall have full power, in his discretion, to order any owner or possessor of bees dwelling in box-hives, *in apiaries where the disease exists* (being mere boxes without frames,) to transfer such bees to movable frame hives within a specified time, and in default of such transfer, the inspector may destroy, or order the destruction of, such box-hives and the bees dwelling therein.

**Penalty for disposing of infected bees or appliances.**

5. Should the owner or possessor of diseased colonies of bees, or of any infected appliances for bee-keeping, knowingly sell, or barter, or give away such diseased colonies or infected appliances, he shall, on conviction before any justice of the peace, be liable to a fine of not less than \$50 or more than \$100, or to imprisonment for any term not exceeding two months.

**Selling bees after treatment, or exposing infected appliances**

6. Should any person whose bees have been destroyed or treated for foul brood, sell, or offer for sale any bees, hives, or appurtenances of any kind, after such destruction or treatment, and before being authorized by the inspector so to do, or should he expose in his bee-yard, or elsewhere, any infected comb, honey, or other infected thing, or conceal the fact that said disease exists among his bees, he shall, on conviction before a justice of the peace, be liable to a fine of not less than \$20 and not more than \$50, or to imprisonment for a term not exceeding two months, and not less than one month.

**Penalty for obstructing inspector.**

7. Should any owner or possessor of bees refuse to allow the inspector or his assistant or assistants to freely examine said bees, or the premises in which they are kept, or should such owner or possessor refuse to destroy the infected bees and appurtenances, or permit them to be destroyed when so directed by the inspector, he may, on the complaint of the inspector, be summoned before a justice of the peace, and, on conviction, shall be liable to a fine of not more than \$50 or less than \$25 for the first offence, and not more than \$100 or less than \$50 for the second and any subsequent offences, and the said justice of the peace shall make an order directing the said owner or possessor forthwith to carry out the directions of the inspector.

**Special constables may be sworn in to assist inspector.**

8. Where an owner or possessor of bees shall disobey the directions of the said inspector or offer resistance to, or

obstruct the said inspector, a justice of the peace may upon the complaint of the said inspector cause a sufficient number of special constables to be sworn in, and such special constables shall under the directions of the inspector proceed to the premises of such owner or possessor and assist the inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the said inspector or constables may arrest the said owner or possessor and bring him before a justice of the peace to be dealt with according to the provisions of the preceding section of this Act.

9. Before proceeding against any person before a justice of the peace, the said inspector shall read over to such person the provisions of this Act or shall cause a copy thereof to be delivered to such person. Inspector to inform offender of provisions of Act.

10. Every beekeeper or other person who shall be aware of the existence of foul brood either in his own apiary or elsewhere shall immediately notify the president of the Ontario Bee-Keepers' Association of the existence of such disease, and in default of so doing shall on summary conviction before a justice of the peace be liable to a fine of \$5 and costs. Person aware of disease to notify president of Bee-Keepers' Association.

11. Upon receiving the notice in the preceding section mentioned or in any way becoming aware of the existence of foul brood in any locality, the said president shall immediately direct the said inspector to proceed to and inspect the infected premises; provided that when the person giving such notice is unknown to said president, or there is reason to believe that the information in said notice is untrustworthy, or that the person giving such notice is actuated by improper motives, then the said president may require the person giving such notice to deposit the sum of \$5 with the president as a guarantee of good faith, before the said notice shall be acted upon, and if it shall prove that said notice was properly given then the said deposit shall be returned to the person giving such notice, but otherwise the said deposit shall be forfeited to the use of the said Ontario Bee-Keepers' Association. President to order inspector to visit infected premises. Proviso.

12. The said association shall include in its annual report to the Minister of Agriculture a statement of the inspector's work during the preceding year, which statement shall include the number of colonies destroyed by order of the inspector, and the localities where found, and the amount paid to him for his services and expenses for the preceding year. Annual report of association.

13. The directors of the said association may from time to time make such by-laws and regulations for the control and guidance of the inspector in carrying out the provisions of this Act as they may deem necessary, and the said directors shall also by by-law fix the amount of the remuneration of the said inspector and sub-inspector, but all such by-laws and regulations shall be subject to the approval of the Minister of Agriculture. Regulations for guidance of inspector.

No. 155.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act for the Suppression of Foul Brood  
among Bees.

First Reading,	26th February, 1890.
Second     "	6th March, 1890.

(*Reprinted as amended by Select Committee.*)

MT. DRURY.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



No. 156.]

## BILL.

[1890.]

### An Act to amend The Assessment Act.

**W**HEREAS it is right and proper that some provisions Preamble.  
should be made to relieve from taxation residential  
property which in consequence of its position can only be used  
and occupied during the summer months of the year.

5 Therefore Her Majesty, by and with the advice and con-  
sent of the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section 67 of *The Assessment Act* is hereby amended by Rev. Stat.  
adding to the said section the following proviso. c. 193 s. 67  
amended.

10 Provided always that when the petition is in respect of a Remission of  
tenement which has remained vacant more than three months taxes upon  
in the year in consequence of its being a summer resort and summer  
the owner or lessee being unable to occupy it during the residences.  
colder months of the year from its situation, the said court  
15 shall remit such proportion of the taxes due on such tene-  
ment as bear a fair proportion to the taxes for the whole year  
for the number of months that the said owner or proprietor is  
compelled to vacate the said premises for the causes aforesaid.



No. 156.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Assessment Act.

First Reading, 27th February, 1890.

MR. LEYS.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 26 of *The Municipal Amendment Act, 1889*, is <sup>52 V., c. 36,</sup> repealed. <sup>s. 26, repealed.</sup>

2. Section 24 of *The Municipal Amendment Act, 1888*, is <sup>51 V., c. 28, s.</sup> amended by striking out the words "having a population in <sup>24, amended.</sup> excess of fifty thousand," which occur at the end of the third and the beginning of the fourth lines thereof, and by adding <sup>10</sup> the words "or town," immediately after the word "city" in the third and fourteenth lines thereof, and shall be read as part of said section and deemed to have been the true intent and meaning of the statute, and to have been in force at and from the time of the passing of *The Municipal Amendment* <sup>15</sup> *Act, 1888*.

3. Section 182 of *The Municipal Act* is amended by inserting after the word "freeholder" in the ninth line thereof the words "within this municipality." <sup>Rev. Stat. c. 184 s. 102, amended.</sup>

4. Sub-section 2 of section 340 of the said Act is repealed <sup>20</sup> and the following substituted therefor: <sup>Rev. Stat. c. 184, s. 340, sub-s. 2, repealed.</sup>

(2) If not contracted for gas or water works, or for the purpose of public works according to the statutes relating thereto, or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public <sup>25</sup> school houses, the whole debt and the obligations to be issued therefor shall be made payable at twenty years at furthest from the date on which such by-law takes effect, and if a debt is contracted for gas or water works, or for the construction of sewers by the municipality, the purchase and improvement of <sup>30</sup> parks or the erection of public schoolhouses, the same shall in like manner be paid in thirty years at furthest from the date on which the by-law takes effect. <sup>Time for payment of certain debts by municipalities</sup>

No. 157.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1890.

Mr. McKAY.

TORONTO :

PRINTED BY WARWICK & SONS, 68 and 70 Front St. W.

No. 158.]

## BILL.

[1890.

### An Act to amend The Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 149 of *The Division Courts Act* is amended by  
5 adding at the end thereof the words “ which security to be  
given by or on behalf of the appellant, shall be either.” Rev. Stat.  
c. 51, s. 149,  
amended.

(1) By a bond to the respondent executed by two persons  
whether named as sureties or as parties interested or otherwise  
in the sum of \$50, conditioned that the appellant shall pay  
10 such costs of the appeal as shall be awarded and taxed to the  
opposite party ; or Security to be  
given on  
appeals.

(2) By paying into the court appealed from in the manner  
provided by law, within the time herein limited for the per-  
fecting of an appeal bond, the sum of \$25.”

NO. 133.  
4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Division Courts Act.

First Reading, 27th February, 1890.

MR. GUTHRIE.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



No. 158.]

## BILL.

[1890.

### An Act to amend The Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 149 of *The Division Courts Act* is amended by adding at the end thereof the words *following*:—“ Which security to be given by or on behalf of the appellant, shall be either by a bond to the respondent executed by two persons whether named as sureties or as parties interested or otherwise in the sum of \$100 or such smaller sum as the judge may direct conditioned that the appellant shall abide by the decision of the cause by the Court of Appeal, and pay all sums of money and costs, as well of the action as of the appeal, awarded and taxed to the opposite party; or by paying into the court appealed from in the manner provided by law, within the time herein limited for the perfecting of an appeal bond, the sum of \$50 or such smaller sum as the judge may direct.”

Rev. Stat.  
c. 51, s. 149,  
amended.

Security to be  
given on  
appeals.

2. The said section 149 of the said Act is further amended by adding thereto the following as sub-section 2 thereof:—

Rev. Stat., c.  
51, s. 149,  
amended.

(2) In case security is given by deposit of a sum of money in court, such sum shall remain in court as security for the payment of all sums of money and costs, as well of the action as of the appeal, awarded and taxed to the opposite party.

No. 158.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Division Courts Act.

First Reading, 27th February, 1890.  
Second " 17th March, 1890.

*(Reprinted as amended by Select Committee).*

Mr. GUTHRIE.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

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No. 159.]

BILL.

[1890.]

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section 34 of *The Municipal Amendment Act, 1888*, is 51 Vic., c. 28,  
5 amended by adding after the word “fifty” in the sixth line of s. 34, amended  
sub-section 2 thereof, the words “or by a majority of the.”

No. 159.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1890.

Mr. GILMOUR,

TORONTO :

PRINTED BY WALKWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting Registry and Sheriffs' Fees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In the city of Toronto registry office, and in any other  
5 registry office where two registry divisions are carried on practically as one office, under one roof, having one abstract clerk for both offices, it shall not be necessary for any person having property in both divisions to pay double registry fees, or be at the expense of getting duplicate deeds or copies from  
10 one division to register in the other, but the one instrument and one set of fees shall be sufficient for all purposes, and the registrar to whom the instrument is first presented shall see that it is indexed and registered in both registry offices, and the registrars shall divide the pay between them equally.
2. When any city shall have been separated from a county,  
15 and a sheriff appointed for the city, double fees shall in no case be charged by both sheriffs in respect of executions, but if it shall be reported by the sheriff of the city that there were executions in the hands of the sheriff of the county at the time  
20 of such separation, then the person having searched and paid the fees for a search in the city office, shall have a right to search all executions reported as being in the hands of the sheriff of the county without payment of any additional fee, on producing a receipt from the sheriff of the city that he  
25 has been paid for such search, which said sheriff shall be bound to give.
- Payment of registry fees where one abstract clerk acts for two divisions.
- Payment of sheriffs' fees where city office distinct from county.



No. 160.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

AN Act respecting Registry and Sheriffs' Fees.

First Reading, 27th February, 1890.

M. FRENCH.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to further facilitate proceedings under The  
Land Titles Act.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. This Act may be cited as *The Land Titles Amendment Act, 1890.* Short title.

2. Where an applicant for first registration is registered with a possessory title, the contribution payable to the assurance fund shall be one-eighth of one per cent. of the value of the land. (*Vide R.S.O., c. 116, sec. 107; as to possessory title, vide sec. 16.*) Payment to assurance fund on registering possessory title.

3. Where several persons are registered as owners under section 9, of *The Land Titles Act*, the entry may, if the parties so desire, define the estates, rights and interests, other than trust estates, rights and interests, to which the owners are respectively entitled. Registration of part owners

4. Persons entitled to several estates under the preceding section, or owners who are tenants in common or joint tenants, shall be entitled to take out one certificate in respect of the whole estate, or each person may, when the extent of his interest is defined, take out a certificate in respect of his own estate; but in case a certificate for the whole is outstanding, no separate certificate shall be issued till the outstanding certificate is returned and cancelled. (*Vide Manitoba Act, 52 Vic., c. 16, secs. 59 and 62, Victoria Statutes of 1866, No. 301. Sec. 44.*) Part owners may take out one certificate.

5.—(1) Where it is claimed that registered land is free from dower on account of the land being held in trust, or for some reason other than the wife's release of her dower, and evidence to this effect which appears satisfactory is produced before the master, he may issue a notice requiring the wife who might otherwise seem entitled to dower, to support her right if she claims to be entitled to dower in the land; and in case she fails to do so and to displace the *prima facie* case made, the master may enter in the register a memorandum that the land is free from dower, and such entry, shall, unless reversed on appeal, be a bar to any claim by such wife; and no appeal shall lie, unless the wife files a claim, before the master. Claims for dower.

(2) This section shall also apply to the widow of a former owner.

Transfer of  
part of charge.

6. A chargee may transfer a part of the sum secured by a charge; and the part so transferred may be given priority over the remaining part, or may be deferred, or may continue to rank equally with it, as may be stated in the transfer. (*Vide Manitoba Act*, 52 V., c. 16, sec. 98.)

5

Seizure of  
mortgage,  
charge or lease  
under execu-  
tion.

7. The seizure of a mortgage, charge or leasehold land, registered under the said Act, under any execution or other writ shall not affect the same until the sheriff or other officer has lodged with the proper master of titles a certificate that he has taken such mortgage, charge or leasehold land under an exe- 10  
cution against the registered owner thereof; and such certificate shall state the number of the parcel under which the land is registered, and the name of the owner; and shall be noted by the master in the register. (R.S.O., c. 116, s. 53).

Sale of stand-  
ing timber.

8. Where timber standing upon any land registered under 15  
*The Land Titles' Act*, is sold under an agreement in writing, the purchaser, instead of entering a caution, may deposit the agreement with the master or local master of titles; and such master, upon proof of the due execution thereof by the owner, shall register the same as an encumbrance upon the land by 20  
entering a memorandum upon the register of the parcel, referring to the instrument and giving shortly the effect thereof.

Entry of  
second  
caution.

9. After a caution against registered dealing has ceased to have effect, a second caution by the same cautioner, or in respect of the same matter, shall not be lodged, or if lodged 25  
shall not be entered, or have any effect without the special permission of the master of titles, which may be given either upon terms or without terms, as he may think proper. (R.S. O., chap. c. 116, s. 63.)

Certified  
copies of in-  
struments to  
be evidence.

10. A certified copy attested by the master's seal of office 30  
of any instrument affecting land which may be deposited, filed, kept, or registered in the office of the master of titles, shall be *prima facie* evidence of such instrument, and of the contents thereof; and no master of titles shall be required to produce any instrument as aforesaid, unless where it is made to appear 35  
to the judge directing the issue of a subpoena that special reasons exist rendering the production of the original necessary, and the said several reasons are to be stated in the order. [The following are the provisions now in force, R. S. O., Cap. 116, Rule 46: R. S. O., Cap. 61, secs. 23 and 25; secs. 43-45.] 40

Cancellation  
of liens regis-  
tered under  
*Mechanics'  
Lien Act*.

11. On its appearing to the satisfaction of a master that a registered lien or claim of lien under *The Mechanics' Lien Act* has ceased to exist by reason of proceedings not having been taken within the time limited in that behalf, the master may make an entry accordingly, or an entry cancelling the 45  
registered claim; and the land affected thereby shall thereby be deemed to be released from the claim (R.S.O., c. 126, s. 24).



No. 161.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to further facilitate proceedings  
under The Land Titles Act.

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First Reading, 27th February, 1890.

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The ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



Act respecting Returns by Registrars and Masters of  
Titles under the Land Titles Act.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario  
enacts as follows :—

1. Returns by registrars and masters of titles shall be made Returns to be made annually.  
up for twelve months previously to the 30th of November in  
each year, and be returned verified under oath to the Lieu-  
tenant-Governor on or before the 15th day of December in  
each year.
2. Such returns in the case of registrars shall show :— Returns by registrars.
  - 10 (1) The number of patents registered and fees therefor.
  - (2) The number of absolute deeds registered and fees there-  
for.
  - (3) The number of mortgages registered and fees therefor.
  - (4) The number of assignments of mortgage and fees therefor
  - 15 (5) The number of discharges of mortgage and fees therefor.
  - (6) The number of powers of attorney and fees therefor.
  - (7) The number of wills and fees therefor.
  - (8) The number of leases or absolute assignments of lease,  
and fees therefor.
  - 20 (9) The number of abstracts and fees therefor.
  - (10) The number of searches and fees therefor.
  - (11) The number of mechanics' liens and fees therefor.
  - (12) Amount received for work done for which county or  
city is liable.
  - 25 (13) Amount received for other services not enumerated  
above.
  - (14) Fees earned and not received.
  - (15) Gross amount of fees earned for the year.
  - (16) Gross amount for previous year.
  - 30 (17) Amount paid to deputy registrar for services.
  - (18) Other charges necessarily incurred in connection with  
the office and paid by registrar.
  - (19) Amount of surplus paid to the county or city for the  
year.

- (20) Amount of such surplus for previous year.  
 (21) Net amount received by registrar.

Returns by  
masters of  
titles.

3. The returns of masters of titles shall show :—

- |   |    |
|---|----|
| (1) Number of certificates issued.  |    |
| (2) Amount received therefor.   | 5  |
| (3) Number of transfers.  |    |
| (4) Consideration of transfers.   |    |
| (5) Fees received therefor.   |    |
| (6) Number of mortgages.  |    |
| (7) Consideration of mortgages.   | 10 |
| (8) Fees received therefor.   |    |
| (9) Number of discharges, including discharges of mechanics<br>liens, judgments, etc. |    |
| (10) Fees received therefor.  |    |
| (11) Transfers of mortgages.  | 15 |
| (12) Fees received therefor.  |    |
| (13) Leases and assignments of leases.  |    |
| (14) Fees received therefor.  |    |
| (15) Covenants.   |    |
| (16) Fees received therefor.  | 20 |
| (17) Withdrawal of covenants.   |    |
| (18) Fees received therefor.  |    |
| (19) Number of other instruments and services.  |    |
| (20) Fees received therefor.  |    |
| (21) Total fees received.   | 25 |
| (22) Total fees received in previous year.  |    |

And

- |  |    |
|--|----|
| (a) Office expenses connected with the working of the Act.                           |    |
| (b) Number of properties brought under the Act for the<br>year.                      | 30 |
| (c) The declared value of such properties.   |    |
| (d) Fees received therefor.  |    |
| (e) Total value of properties under the Act on 15th<br>December in the current year. |    |
| (f) Amount paid into guarantee fund during year.                                     | 35 |
| (g) Total amount at credit of guarantee fund.  |    |

Returns to be  
printed and  
distributed,

4. Such returns shall be printed on or before the 1st day of January in each year, and distributed to all members of the Legislative Assembly of the Province, mayors of cities, wardens and clerks of counties, and to any justice of the peace, or any person holding a public position who may in writing request that such returns be sent to him. 40

Returns to be  
in lieu of those  
now required,

5. Such returns shall be in lieu of all returns now required to be made under *The Registry Act* or *The Land Titles Act*.



No. 162.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting Returns by Registrars  
and Masters of Titles under the Land  
Titles Act.

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First Reading, 28th February, 1890.

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MT. MONK.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

No. 163.]

## BILL.

[1890.

### An Act to amend the Manhood Suffrage Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 3 of *The Manhood Suffrage Act* is amended by <sup>51 V., c. 4, s.</sup> 5 striking out the words “at the time fixed as aforesaid” in the <sup>3 amended.</sup> 3 seventeenth and eighteenth lines thereof and substituting therefor the words “upon the first day of September in the then current year ;”



No. 163.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The Manhood Suffrage  
Act.

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First Reading, 28th February, 1890.

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Mr. HARDY.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the Registration of Executions  
against Lands.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. No writ of *fiery facias*, or other process against lands  
5 shall have any force and effect after one year from the issue thereof as against a *bona fide* purchaser or mortgagee for value, without actual notice of such writ unless the said writ shall have been registered in the proper registry office against the lands intended to be affected by such writ Manner of registration
2. Every sheriff, or other officer charged with the execution  
10 of such writ or other process shall, upon being requested so to do and furnished with a description of the lands intended to be affected by such writ, deliver a copy of such writ together with a memorandum of the lands intended to be affected  
15 thereby to the registrar where the lands lie, and from and after such delivery such copy and memorandum shall operate as a caution against the transfer by the owner of the land mentioned in such memorandum, or of any interest he has there in, and no transfer shall be made by him of such land or  
20 interest therein except subject to such writ or other process. Sheriff to furnish registrar with copies of writ, and a memorandum of lands affected.
3. The registrar upon receipt of such copy of writ or other  
process and memorandum shall if the description is one which  
is suitable for registry under the Registry Acts register the  
same in like manner as deeds are registered, and cause the same  
25 to be entered in the abstract index book as a writ of *fiery facias* or other process, and he shall be entitled to a like fee as for registering a *lis pendens*. Name of registration.
4. Such registration shall be renewed each year so long as  
the writ shall remain in force unsatisfied, otherwise it shall be  
30 of no validity. Renewal of registration.
5. Rules and orders for the vacating or otherwise dealing  
with said writs shall be likewise registered, Rules for vacating writs to be registered.

No. 164.

4th Session, 6th Legislature, 53 Vic. 1890

BILL.

An Act respecting the Registration of  
Executions against Lands.

First Reading, 25th February, 1890.

Mr. LEBYS.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 68 of *The Municipal Act* is repealed, and the following substituted therefor:—

Rev. Stat. c.  
184, s. 68,  
repealed.

City councils.

68. The council of every city shall consist of the mayor (who shall be the head thereof), and three aldermen for every ward, when there are less than ten wards, and of two aldermen when there are ten or more wards, to be elected in accordance with the provisions of this Act.

2. Section 24 of the said Act is amended by adding thereto the following sub-sections:—

(2) In any case where the resident freeholders of any city or town, to the number of at least one hundred, petition the council, alleging the expediency of, and praying that a new division into wards may be made of the city or town without reducing the number of wards, or that such new division may be made reducing the number of wards to nine or less, it shall be the duty of the council, and the council shall, at the time of the holding of the next municipal elections, submit the question of such new division, as prayed by the petition, to the vote of the persons entitled to vote at the municipal elections; and, in the event of a majority of the electors voting thereon voting in favor of the petition, it shall be the duty of the council, and the council shall, within a reasonable time after the taking of the vote, sub-divide the city or town into wards, so as to give effect to the prayer of the petition and vote of the electors; and such new division shall, so far as possible, be based upon the assessed values of property, population and territorial extent, and shall be given effect to in accordance with the provisions of section 22 of this Act in that behalf.

Re-division of  
wards in cities  
and townsa.

(3) In case any council neglects or refuses to make a new sub-division of any city or town into wards under the provisions of the last preceding sub-section, for three months after the same shall have been voted upon and approved of by the electors, and in case one-third of the members of the council, or one hundred duly qualified electors of the municipality petition for a commission to issue under the Great Seal to enquire into the existing division of such municipality into wards, and for a new division in accordance with the expressed wish of the electors, as evidenced by their vote, to be taken in manner aforesaid, and if sufficient cause in shewn, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or commissioners, or such one or more of

Commission of  
inquiry as to  
wards.

them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence as any court has in civil cases.

Commis-  
sioners to pre-  
pare a scheme  
of division.

(4) The commissioners so to be appointed as aforesaid shall, within a reasonable time, report a new division into wards of the municipality in accordance with the prayer of the petition, having regard to the provisions of this Act as to equality of representation, to the Provincial Secretary, who shall forthwith transmit a copy thereof to the council, and cause the same to be published for one month in the *Ontario Gazette*, and once in each week for four weeks in one or more newspapers published in the municipality, naming a day when the same will be taken into consideration by the Lieutenant-Governor in Council, when all parties interested, opposed thereto, and who petition to be heard, shall have an opportunity of being heard, and being represented by counsel in that behalf

(5) The Lieutenant-Governor in Council may, within three months after the receipt of the report of the commissioners by proclamation divide the city or town into wards, making such changes in the report of the commissioners as may seem expedient, provided that the number of wards shall not exceed the number approved of by vote of the electors.

(6) The expenses to be allowed for executing the commission shall be paid by the municipality pursuant to the provisions of section 384 of this Act.

Rev. Stat. c.  
184, s. 434,  
mended.

3. Section 434 of the said Act is amended by adding thereto the following sub-sections:—

(2) In every city when the population exceeds 100,000, the board of commissioners of police shall be entitled to include in their annual estimates the sum of \$1,000 for the remuneration of the permanent members of the board, the said sum to be apportioned as the commissioners shall by resolution of the board determine.

(3) The police commissioners of any city within the provisions of this Act shall be a corporation under the name of "The Board of Commissioners of Police of the City of ."

The board, a majority of whom shall form a quorum, shall be constituted by the election annually of a chairman.

The chief of police for the time being shall be the *ex-officio* secretary of the said board.

(4) The said board may pass such regulations and by-laws for their own government from time to time as they shall deem necessary and expedient.





No. 165.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1890.

MT. LEYS.

TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

No. 166.]

## BILL.

[1890.

### An Act to amend the Act for the Protection of Game and Fur-bearing Animals.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Sub-section 7 of section 2 of the *Act for the Protection* Rev. Stat. c.  
5 of Game and Fur-bearing Animals is repealed, and the 221, s. 2, ss. 7,  
repealed.  
following substituted therefor :—

(7) Duck of all kinds, except wood duck, canvas back, red Duck and  
neck, black neck, blue bill and pin tail, and all other water- other water-  
fowl, between the first day of January and the first day of fowl.  
10 September ; wood duck between the first day of January and  
the fifteenth day of August ; ducks known as canvas back,  
red neck, black neck, blue bill and pin tail, between the first  
day of May and the first day of September.

No. 166.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the Act for the Protection  
of Game and Fur-bearing Animals.

First Reading, 28th February, 1890.

Mr. BALFOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 167.]

## BILL.

[1890.

An Act to amend the Act respecting Police Magistrates.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sections 8, 9, 10, 11, 12, 16 and 17 of the *Act respecting* Rev. Stat. c. 72, ss. 8, 9, 10, 11, 12, 16 and 17 repealed.
- 5 *Police Magistrates* are repealed.
2. This Act shall go into effect on the first day of July next. Commence-ment of Act.



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4th Session, 6th Legislature, 53 Vic. 1890.

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BILL.

An Act to amend the Act respecting Police  
Magistrates.

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First Reading, 28th February, 1890.

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MR. WHITNEY.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

## An Act to amend The Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of *The Ditches and Watercourses Act* is amended, by adding thereto the following sub-section :

R. S. O. c.  
220, s. 2,  
amended.

3. Every municipal council shall appoint by by-law two persons to act with the said engineer in carrying out the provisions of this Act, and such persons may be called "inspectors of drains and ditches," and shall be paid such sum per day for the time they are employed as the municipal council may determine.

Inspectors of  
drains and  
ditches.

2. The following sub-section is added to section 8 of the said Act :

Sec. 8 amend-  
ed.

4. It shall be the duty of the inspectors to assist the engineer in examining the premises, hearing the evidence and in determining the matter in dispute, and making the award, and it shall be the duty of the engineer to notify the inspectors of the time and place of meeting, and to act with them in examining the premises, and hearing, considering and deciding the matters in dispute, and the engineer shall immediately before making his award submit the same to the inspectors, and the said inspectors or either of them may concur in or dissent from the award of the engineer, their concurrence or dissent to be signified by a memorandum to be appended to the award, and to be signed by the inspector or inspectors so concurring or dissenting, which memorandum may be in the words following :

Duties of  
inspectors.

Duties of  
engineer.

Manner of  
dissenting  
from award.

We (*or I*) inspectors of drains and ditches in the said township, do hereby concur in (*or* dissent from) the foregoing award.

30 Dated this            day }  
of            A.D. 18    . }

(*Signature of Inspector or Inspectors.*)

Witness.

35 3. The following sub-sections are added to section 10 of the said Act :—

Sec. 10  
amended.

(2) When one or both of the inspectors concur with the engineer in making the award, the same shall be final, and there shall be no appeal therefrom.

When award  
to be final.

40 (3) When the Inspectors dissent from the award, any person dissatisfied may appeal against the same as hereinafter provided.

When app.  
from award  
allowed.

Time for  
appealing.

(4) If no appeal is within the time hereinafter limited, taken against an award made by the engineer from which the inspectors have dissented, the same shall be valid and binding on the parties.

Sec. 11  
amended.

(5) Section 11 of the said Act is amended, by adding the following words at the commencement thereof: 5

"Subject to the provisions of section 10."

Sec. 11, (1),  
amended.

4. Sub-section 4 of section 11 of the said Act is amended, by adding at the end thereof the following words:

Costs allowed.

"Such costs to be fixed according to the scale of costs in division court cases, with power to the judge to allow a counsel fee where counsel attend, not exceeding \$ to the successful party." 10

Sec. 14  
amended.

5. Section 14 of the said Act is hereby amended, by striking out the word "his" in the third line thereof, and substituting therefor the words "and inspectors their," and by inserting the following words at the end of said section: "And the engineer shall in his award include along with his own fees, the fees of the inspectors, and determine who shall pay the same." 15

20

6. The following shall be inserted as sections 11a and 11b of the said Act:

Amending  
defects in  
award.

11a. No advantage shall be taken or gained by any person by reason of any mistake, defect or imperfection in any award purporting to be made under this Act, if the same can be amended or corrected, and if there be any mistake, defect or imperfection therein, the same shall be amended by any judge of the High Court or of the county or division court before whom any question touching the award may arise, or on the application of any person interested, on such notice being given to other parties concerned as the judge shall think reasonable, and the amendment when made, shall have relation back to the date of the award. 30

Award not to  
bar other pro-  
ceedings.

11b. No award or other determination of a dispute under this said Act, in regard to the making, widening or deepening of a particular ditch or drain, shall be a bar to other proceedings under this Act, and to procure the making, widening or deepening of another and different ditch or drain on or through the same lands. 40



No. 169.

4th Session, 6th Legislature, 53 Vic., 1890

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BILL.

An Act to provide for holding Winter  
Assizes in the County of Carleton.

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First Reading, 28th February, 1890.

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The ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY MAURICE & SONS, 68 & 70 FRONT ST. W.



No. 170.]

## BILL.

[1890.

### An Act to provide for the Election by Ballot of Public and Separate School Trustees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sub-section 1 of section 103 of *The Public Schools Act* is hereby repealed. Rev. Stat. c. 225, sec. 103, sub-s. 1 repealed.

2. Sub-section 2 of the said section is hereby amended by striking out the words "(2) In every case in which notice is given as aforesaid" in the first and second lines thereof, and by striking out the word "thereafter" in the second and third lines thereof, and inserting between the word "trustees" and the word "shall" in the second line thereof the words "in any city, town, incorporated village or township in which a township board has been established." Rev. Stat. c. 225, sec. 103, sub-s. 2 amended.

3. The nomination and election of separate school trustees in any city, town or incorporated village shall be held at the same time and place, and in the same manner as the nomination and election of public school trustees are to be held, as provided by *The Public Schools Act* as amended by this Act, and all the provisions of section 103 of the said last mentioned Act as amended by this Act as to the election being by ballot and otherwise shall apply *mutatis mutandis* to trustees of separate schools in cities, towns and villages. Nomination and election of separate school trustees

4. Sub-section 12 of section 31 of *The Separate Schools Act* and all the other provisions of the said Act which are inconsistent with this Act are hereby repealed. Repeal of inconsistent enactments.

NO. 170.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to provide for the Election by Ballot  
of Public and Separate School Trustees.

First Reading, 28th February, 1890.

MR. MEREDITH.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting Separate Schools Supporters.

WHEREAS every ratepayer ought to be by law *prima facie* a public school supporter and no one should be rated as a Roman Catholic separate school supporter unless he by his own voluntary act declares his intention to be a supporter of separate schools in accordance with the provisions of the law ;

Preamble.

Therefore Her Majesty by and with the advice and consent the Legislative Assembly of the Province of Ontario, enacts as follows :—

10 1. Notwithstanding the provisions of any act or law to the contrary no person otherwise liable for public school rates shall be exempt from the payment thereof or be liable for the payment of rates in support of a Roman Catholic separate school unless he shall have given the notice provided for by section 40 of *The Separate Schools Act*.

Rating of separate school supporters.

20 2. It shall be the duty of the clerk of the municipality in preparing the collectors roll thereof to place in the column of public school rates, the rates of every ratepayer who shall not have given the said notice so as, according to the provisions of the said section and of this Act, to entitle him to exemption from public school rates for the year for which such collectors roll is being made up, but any error of the clerk, in making up his roll shall not be conclusive on any ratepayer who shall be erroneously rated or entered therein nor shall the assessment roll be any evidence as to whether such ratepayer is a supporter of the public schools or of the Roman Catholic separate schools.

Entry of ratepayer on collector's roll.

• No. 171.

4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act respecting Separate School Superintendents.

First Reading, 28th February, 1890.

Mr MEREDITH.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Ontario Insurance Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Ontario Insurance Act* is amended by inserting immediately before section 115 thereof the following:— Rev. Stat. c. 167, amended.

114a. In cases of insurance upon goods, the following additional conditions may be added on the instrument of contract as additional statutory conditions, and if so added shall be binding on the insured:— Statutory conditions with respect to insurances of goods.

10 *Additional Statutory Conditions.*

24. Where the assured claims for loss to goods, if he shall neglect or refuse to deliver the particular account of loss required by the said statutory condition 13 (b), the company may, if they see fit, employ a competent person to make up such account from the books and papers produced by the insured under the said condition 13 (d), and the reasonable expense thereof shall be deducted from any sum payable to the assured under this policy. Preparation of account on default of parties.

25. When merchandise or other personal property is partially damaged by fire, the insured shall forthwith cause it to be put in as good a condition as the case will allow, assorting and arranging the various articles according to their kinds, separating the damaged from the undamaged goods so that the damage can be easily ascertained, and shall cause a list or inventory of the whole to be made, naming the quantities, descriptions and cost prices of each article, after which the amount of damage shall be ascertained by the examination and appraisal of each article by two disinterested appraisers, the assured and the company each selecting one, or if either party shall, after two days notice in writing to do so, fail to select and name an appraiser who will act, then by the appraiser selected by the other party, whose appraisement shall be as final as that provided for hereafter. The two appraisers so chosen shall first select a disinterested person as umpire, or in the event of their failing to agree upon an umpire, then two days after their appointment or the appointment of the one last named, such umpire shall, upon application of either party, be appointed by the County Judge of the county wherein the loss has happened. The appraisers together shall then estimate and appraise the cash value of the salvage, stating separately sound, value and damage, and such appraisement shall, whether the right to recover under the policy is disputed or not and inde- Appraisement of damaged goods.



pendently of all other questions, be final and conclusive as to the value of and damage to the said salvage as aforesaid, and the report of such appraisement made in writing by any two of the said appraisers shall be conclusive evidence before any arbitrators, under condition 16 hereof, or before any Court 5 enquiring into the subject of the said insurance.

No. 172.

4th Session, 6th Legislature, 53 Vic, 1890.

# BILL.

An Act to amend The Ontario Insurance Act.

First Reading, 28th February, 1890.

MR. GUTHRIE.

TORONTO:

PRINTED BY WARWICK & SON, 68 AND 70 FRONT ST. W.

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No. 173.]

## BILL.

[1890.]

An Act to amend the Act respecting the Property of Religious Institutions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 2 of the *Act respecting the Property of Religious* Rev. Stat.,  
5 *Institutions* is amended by adding at the end thereof the c. 237, s. 2,  
following words: "or may in like manner remove any trustee amended.  
or trustees, or declare the office of any trustee or trustees to be  
vacant for any cause which it may deem sufficient, and elect a  
new trustee or new trustees to fill such vacancies, and such  
10 new trustee or trustees shall thereupon be the successors in  
office, within the meaning of this Act, to the trustee or trustees  
so removed or whose office shall have been declared vacant as  
aforesaid."

No. 173.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the Act respecting the  
Property of Religious Institutions.

First Reading 3rd March, 1890.

MR. LEYS.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

## An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 5   1. Section 37 of *The Assessment Act* is repealed, and the following substituted therefor: Rev. Stat.  
c. 193, s. 37  
repealed.
37. If a person has no permanent or regular place of business or employment he shall be assessed at his place of residence. Assessment  
where party  
has no regular  
place of em-  
ployment.
- 10   2. Section 38 of the said Act is amended by striking out all the words in the said section down to and including the word "duties," in the sixth line thereof, and substituting therefor the following: Rev. Stat.  
c. 193 s. 38  
amended.
- 15       "Every person who holds any appointment or office of emolument to which any salary, gratuity or compensation is attached, or who is hired or regularly employed at a salary, or for wages or other compensation, and performs the duties of such appointment or office, or the work in which he is so employed, within a municipality in which he does not
- 20   reside, shall be assessed in respect of the amount of such salary, gratuity, wages or other compensation at the place where he performs such duties or is so employed."

NO. 174.

4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act to amend The Assessment Act.

First Reading, 3rd March, 1890.

MR. PHELPS.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W



## An Act to amend The Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section 11 of *The Ditches and Watercourses Act* is  
5 amended by inserting the following as subsection (2a). Rev. Stat.,  
c. 220, s. 11,  
amended.

(2a) The appellant before the time appointed for the hearing  
of the appeal may apply to the Judge for an order to  
have the lands and premises inspected by another engineer,  
who for such purpose may enter upon such lands and premises  
10 without being considered a trespasser, and such engineer shall  
make a report in writing upon the matters in dispute  
between the parties, and such report shall be submitted to and  
considered by the Judge upon the hearing of the appeal. Inspection of  
premises by an  
engineer on  
appeal to  
Judge.

2. The said Act is hereby amended by inserting the follow-  
15 ing as section 26 (a). Rev. Stat., c.  
220, amended.

26 (a) Where pathmasters have diverted any water out of  
its natural course, and have carried the same along the high-  
ways, accumulating a greater amount of water than the ditches  
on the highway can carry off, the engineer may (if called on)  
20 order that the water be allowed to run in its original and  
natural course, and he may order to be constructed any culverts  
or ditches he may consider necessary for the purpose of so  
carrying off the water. Powers of en-  
gineer where  
pathmasters  
have diverted  
water.

No 175.

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4th Session, 6th Legislature, 53 Vic, 1890

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BILL.

An Act to amend The Ditches and Water-  
courses Act.

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First Reading, 3rd March, 1890.

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MR. DACK.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST W.

No. 175.]

## BILL.

[1890.

An Act to amend The Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Section 11 of *The Ditches and Watercourses Act* is amended by inserting the following as subsection (2a). Rev. Stat.,  
c. 220, s. 11,  
amended.

(2a) The appellant may have the lands and premises inspected by another engineer, who for such purpose may enter upon such lands and premises. Inspection of  
premises by an  
engineer.

No. 175.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Ditches and Water-courses Act.

First Reading,	3rd March, 1890.
Second "	10th " 1890.

(*Reprinted as amended by Municipal Committee.*)

Mr. DACK.

TORONTO :

PRINTED BY WARWICK & SONS, 68 and 70 FRONT W. ST.

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2 of section 495 of *The Municipal Act* is amended by adding at the end thereof the words, "For licensing, regulating and governing bill-posters, and for fixing the sum to be paid for every such license, and the time it shall be in force." Rev. Stat., c. 184, s. 495, sub-s. 2, amended.

2. Sub-section 4 of section 612 of the said Act is hereby amended by adding thereto the following as clause (d); Rev. Stat., c. 184, s. 612, sub-s. 4, amended.

(d) If the council of any city affirms by a vote of two-thirds of the members present at any meeting thereof, that it is desirable and necessary in the public interest, to construct, make, enlarge or prolong a sewer or sewers for the purpose of draining any locality for sanitary or drainage purposes, or to construct or renew a plank sidewalk, as a local improvement in or upon any street, square or place, the three preceding clauses of this subsection shall not apply, and it shall not be necessary for such council to give notice of the proposed assessment for such local improvement, except the notice of the sitting of the court of revision for the confirmation of such proposed assessment that is required by section 623 of this Act. Notice of assessment for local improvement.

3. Sub-section 8 of section 612 of the said Act is hereby amended by adding thereto the following words: "and when such sewers are constructed through rock excavation or partially through rock excavation and partially through earth excavation the council may also provide for the excess in the cost of such sewer over the cost of a sewer of the same dimensions in earth excavation, as its share of the cost of such improvement." Rev. Stat., c. 183, s. 612, sub-s. 8, amended.

4. Sub-section 1 of section 627 of the said Act is amended by inserting after the word "assessment" in the eighth line thereof, the words: "and where the said local improvement is a sewer or sewers constructed through rock excavation or partially through rock excavation and partially through earth excavation, the council may also provide for the excess in the cost of such sewer over the cost of a sewer of the same dimensions in earth excavation as its share of the costs of such local improvement." Rev. Stat., c. 184, s. 627, sub-s. 1, amended.



No. 176.

4th Session, 6th Legislature, 33 Vic., 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 4th March, 1890.

MR. BRONSON.

PRINTED BY

WATKINS & SONS, 65 AND 70 FROST ST., W.

No. 177.]

## BILL.

[1890.]

### An Act to amend The Municipal Waterworks Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Municipal Waterworks Act* is amended by inserting  
5 immediately after section 45 of the said Act, the following :— Rev. Stat. c.  
192 amended.

45a. In case any person or persons, being property owners within a municipality in which waterworks have been constructed under the provisions of this Act, shall petition the council of such municipality, asking for the construction of  
10 watermains, and other works necessary to connect their properties with the waterworks system of said municipality, the council may by by-law provide for the extension of the mains and pipes, and for all other work necessary to make such connection, and for permitting the petitioners to receive the benefit  
15 of such waterworks upon such terms as the council may deem just; and the by-law may further provide that the cost of the work so undertaken, shall be charged as an annual special rate upon the lands designated in the petition, and such rate shall be payable, whether the petitioners, or the owner or owners of  
20 the lands for the time being, continue the use of the water supplied or not.

Construction of mains etc. for benefit of individuals.

No. 177.

4th Session, 6th Legislature, 53 Vic, 1890

BILL.

An Act to amend The Municipal Water-  
works Act

First Reading, 4th March, 1890.

Mr. Wood,  
(*Bread*)

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to Confirm and Establish a certain Survey of  
the Township of Kennebec, in the County of  
Frontenac.

WHEREAS instructions, of date July 29th, 1820, were issued by the Surveyor-General to one John Smith, contractor, for the survey of certain townships in the Midland District, and to the deputy surveyor who should be employed on said service; and whereas under such instructions, and agreeably to a contract one Publius V. Elmore, deputy surveyor, filed in the department of Crown Lands a plan and field notes dated January 20th, 1827, signed by himself, and purporting to exhibit the survey of the township of Kennebec; and whereas on said plan it was certified by the said Publius V. Elmore that the township had been surveyed between the months of December 1823, and March 1824; and whereas for many years it was understood and believed that said survey had been executed; and whereas settlers went into said township and took up lands therein; and whereas subsequently it was reported to the Department of Crown Lands that only a partial survey of the township could be traced upon the ground, and that difficulties and disagreements were continually arising in consequence thereof; and whereas the Commissioner of Crown Lands on the 29th day of May, 1885, issued instructions to one Matthew J. Butler, Provincial Land Surveyor, to make a verification survey of the township of Kennebec, in which he was to be guided by the provisions of *The Act respecting Land Surveyors and the Survey of Lands*, chapter 152 of the Revised Statutes of Ontario, 1887; and whereas the said Matthew J. Butler has made such a survey and has filed in the Department of Crown Lands a plan and field notes of such survey bearing date February 1st, 1890; and whereas it is expedient that the said survey be established and confirmed;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The survey of the township of Kennebec made by Matthew J. Butler, Provincial Land Surveyor, under instructions dated the 29th day of May, 1885, from the Commissioner of Crown Lands is hereby declared to be the true and unalterable survey thereof, and all posts or monuments placed or planted at the front angles of the lots by the said Matthew J. Butler are hereby declared to be the true and unalterable boundaries thereof, and the course of the division or side lines of the lots in the several concessions shall be governed by the

Survey of  
Kennebec  
confirmed.

astronomical course of the south boundaries of the several concessions as laid down and shown upon said plan by said Matthew J. Butler.

**Side lines.**

2. The side lines in the several concessions in the said township of Kennebec shall be run upon the following astronomical bearings as shown on said plan, that is to say :—In the first concession, on the bearing of north seventy degrees forty-eight minutes and thirty-seven seconds east ; in the second concession on the bearing of north seventy degrees forty-seven minutes and thirty-seven seconds east ; in the third concession, on the bearing of north seventy-one degrees thirty-two minutes and thirty-one seconds east ; in the fourth concession, on the bearing of north seventy degrees forty-five minutes and thirty-seven seconds east ; in the fifth concession, on the bearing of north sixty-nine degrees and fifty-one minutes east ; in the sixth concession, on the bearing of north seventy-one degrees thirty-six minutes and thirty-seven seconds east ; in the seventh concession, on the bearing of north seventy-two degrees thirty-seven minutes and thirty-seven seconds east ; in the eighth concession, on the bearing of north seventy-three degree and thirty-six minutes east, in the ninth concession, on the bearing of north seventy-four degree thirty-six minutes and forty-four seconds east ; in the tenth concession, on the bearing of north seventy-four degrees and six minutes east ; and in the eleventh concession, on the bearing of north seventy-three degrees and nine minutes east, irrespective of the work on the ground, and anything in sections 47 and 59 of chapter 152 of the Revised Statutes of Ontario, 1887, contained, or any other law, usage, or custom to the contrary notwithstanding.





4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to Confirm and Establish a certain  
Survey of the Township of Kennebec,  
in the County of Frontenac.

First Reading, 4th March, 1890.

Mr. HARDY.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 179.]

# BILL.

[1890

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 310 of *The Municipal Act* is hereby amended, by striking out the words “township (or ward, as the case may be,)” in the tenth and eleventh lines thereof, and inserting the following in lieu thereof: “municipality, (or township or other municipality, as the case may be.)”

Rev. Stat., c.  
184, s. 310,  
amended.

No. 179.

4th Session, 6th Legislature 53 Vic., 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 4th March, 1890.

MR. WYLIE.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 180.]

## BILL.

[1890.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 72 of the *Act respecting Joint Stock Companies* Rev. Stat., c.  
5 *for supplying Cities, Towns and Villages with Gas and Water* 164, s. 72,  
is repealed, and the following substituted therefor: repealed.

1. The sum so borrowed shall not exceed the sum of \$30,000 Limit of  
to be expended in gas works, or the like sum for waterworks borrowing  
for an incorporated village; or for a town or city to be powers.  
10 expended in gas or waterworks, the sum following: for a  
town the sum of \$50,000 for gas works, and \$200,000 for  
waterworks; and for a city the sum of \$30,000 for gas works,  
and \$400,000 for waterworks.



4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Act respecting Joint  
Stock Companies for supplying Cities,  
Towns and Villages with Gas and Water.

First Reading, 4th March, 1890.

MR. OSTROM.

TORONTO:

PRINTED BY WARREN & SONS, 68 AND 70 FRONT ST. W.

An Act to amend the Act respecting Private Lunatic Asylums.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 97 of the *Act respecting Private Lunatic Asylums* is amended by striking out the words "who are *bona fide* residents of the Province" where they occur after the word "inebriates" in the second line of the said section. Rev. Stat. c. 246, s. 97, amended.

2. Section 99 of the said Act is repealed and the following substituted therefor:— Rev. Stat. c. 246, s. 99, repealed.

10 "99. The medical superintendent shall have full authority to discharge from the asylum when, in his opinion, it may be advisable, any person who has been admitted to it by his own voluntary application." (Rev. Stat. Conn. of 1875, Pit. 8, cap. 5, ss. 13, 16.) Discharge of voluntary patients.

15 3. Section 106 of the said Act is amended by inserting after the word "year" in the sixth line thereof the following:—  
"But before such order is made the Provincial Secretary shall ascertain that there is a vacancy in such asylum, and that satisfactory arrangements have been made with the medical  
20 superintendent thereof for the payment of the maintenance of such habitual drunkard"; and by striking out all the words of said section 106 after the word "committed" in the eighth line thereof. Rev. Stat. c. 246, s. 106, amended.

25 4. The following shall be added as new sections to the said Act, that is to say:—

30 "111. If any person gives, conveys, or supplies to any patient or inebriate confined in any private asylum, any rum, brandy, whiskey or other spirituous liquors, or morphia, cocaine or other drug without sanction of the medical superintendent first obtained in writing, such offender being duly convicted thereof before two justices of the peace shall be fined a sum not exceeding \$20." (R. S. O., 1887, cap. 244, s. 2.) Penalty for supplying liquor to inmates.

35 "112. Every one who knowingly assists directly or indirectly any patient or inebriate detained in a private asylum to escape from such asylum, shall be liable on summary conviction before two justices of the peace to a penalty of \$ " Penalty of assisting inmates to escape.  
(R. S. C. cap. 155, s. 10.)

BILL.

An Act to amend the Act respecting  
Private Lunatic Asylums.

First Reading, 4th March, 1890.

MR. ROSS,  
(*Huron*).

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Ontario Insurance Act.

HER MAJESTY, by and with the consent of the Legislative Assembly of Ontario, enacts as follows:—

1. Section 122 of *The Ontario Insurance Act* is amended by adding thereto the following sub-section:—

- 5 (2) Where the premium note or undertaking is made upon a sheet or page which contains other matter, the premium note or undertaking shall be so entitled in conspicuous type and shall be separated from such other matter by a blank space at least half an inch wide carried across the sheet or page; and
- 10 if such other matter requires, or is intended to receive the assent of the maker of the premium note or undertaking, such assent shall be evidenced by a signature wholly distinct from the signature to the premium note or undertaking, and any violation of this section shall render the premium note or
- 15 undertaking absolutely null and void.

Rev. Stat. c.  
167, s. 122,  
amended.  
Form of pre-  
mium notes.

2. Section 123 of the said Act is amended by adding thereto the following sub-section:—

- (2) Instead of requiring the whole of the first payment to be made in cash at the time of insuring, the directors may
- 20 make the said sum payable in annual instalments, the first of which shall be payable on the day of insuring, and the remaining instalments shall be respectively payable on the first day of each subsequent year of the term of insurance.

Rev. Stat. c.  
167, s. 123,  
amended.

First payment  
of premium  
money to be  
made in  
annual instal-  
ments.

Provided that non-payment of any of the instalments sub-

25 sequent to the first shall not forfeit the insurance unless thirty days' notice of the instalment due, or to become due, has been mailed to the person by whom the instalment is payable, directed to his post office address as given in his original application, or otherwise in writing to the company.

- 30 3. To remove doubts, section 125 of the said Act is amended by striking out all the words as far as the word "due" in the third line inclusive, and by substituting therefor the following words:—

Rev. Stat. c.  
167, s. 125,  
amended.

"If the assessment on the premium note or undertaking

35 upon a policy is not paid within thirty days after notice mailed as in section 124 enacted."

Non-payment  
of assessment  
within 30 days

4. To remove doubts, section 132 of the said Act is repealed, and the following section substituted therefor:—

Rev. Stat. c.  
167, s. 132.

132. On the expiration of forty days after the term of
- 40 insurance ended, the premium note or undertaking given for the term shall be absolutely null and void, except as to first

Return of  
premium note  
after insurance  
ended.

payment or instalment thereof remaining unpaid, and except as to lawful assessments of which written notice pursuant to sections 124 and 126 has been given to the maker of the premium note or undertaking during the currency of the policy or within the said period of forty days; and on the 5 expiration of the said period the premium note or undertaking shall, upon application therefor, be given up to the maker thereof, provided all liabilities with which the premium note or undertaking is chargeable as aforesaid have been paid.

5. Section 63 of *The Ontario Insurance Act* is amended by 10 adding thereto the following sub-section :—

(2) Where a company pursuant to section 40 tenders mortgages by way of deposit, such fees, charges and disbursements as may be fixed by the Lieutenant-Governor in Council, shall be payable by the company for and in connection with the 15 preparation of necessary assignments and examination of titles.





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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend the Ontario Insurance  
Act.

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First Reading, 4th March, 1890.

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MR. GIBSON,  
(*Hamilton.*)

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 536 of *The Municipal Act* is amended by adding the following sub-sections thereto: Rev. Stat. c.  
184 s. 536  
amended.

(1) In the case of any township boundary line, or any portion of such line on which in the original survey thereof a road allowance has not been reserved, the council of any one of the municipalities bordering on such boundary line, may Road al-  
lowances on  
township  
boundary  
lines. pass a by-law for acquiring the necessary land, either by purchase or expropriation, within such municipality for one-half of the required road allowance.

(a) The clerk of the municipality shall within four days after the passing of the by-law, send by registered letter a copy of the by-law to the clerk of the adjoining municipality.

(2) Sections 539 and 540 of this Act shall apply to proceedings taken under the provisions of this section.

(3) If the matters in dispute are referred to arbitration the arbitrators shall have power to decide upon the proportion of the cost of the land which will be required upon each side of such boundary line for a road allowance which shall be borne by each municipality, and shall also have power to decide whether a road allowance shall be laid out or not.

(4) If the arbitrators decide against the laying out of a road allowance upon such boundary line or any portion of such line, then no further proceedings shall be taken for the period of two years or such further time as the arbitrators may determine upon, but not exceeding four years in all.

No. 183.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 4th March, 1890.

MR. WATERS.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Free Grants and Homesteads Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 12 of *The Free Grants and Homesteads Act* is hereby amended by striking out in the sixth line thereof the word "twenty-five" and substituting therefor the word "thirty-three," and by striking out in the seventh line thereof the word "three" and substituting therefor the word "four." Rev. Stat. c. 25, s. 12 amended.
2. In case a person who has complied with all the settlement duties under the said Act and obtained a patent for only one lot, is entitled to and desires to obtain another 100 acres to make up his full quantity, or having obtained his full quantity as a free grant has purchased an additional 100 acres under the orders and regulations under this Act, and such additional location or purchase adjoins his patented lot, the Commissioner of Crown Lands upon being satisfied that such lot or lots are not chiefly valuable for their pine timber, and are suite<sup>d</sup> only or principally for grazing purposes or as a fuel reserve, may dispense with residence and settlement duties upon them provided there are 30 acres cleared upon the patented lot, and may issue the patent at the expiration of the time required by this Act. Commissioner may dispense with residence and settlement duties in certain cases.
3. In case a person is *bona fide* the owner and occupant of land in a free grant district acquired otherwise than as a free grant under the said Act and is entitled and desires to obtain a free grant location and such location adjoins the land which he owns and occupies, the Commissioner of Crown Lands upon being satisfied by inspection or evidence that the lands are not chiefly valuable for their pine timber, and are suited only or principally for grazing purposes or as a fuel reserve, and that there are 30 acres cleared upon the lands which he owns and resides upon, may dispense with clearing and residence upon such free grant location and issue the patent at the expiration of the time required by this Act. Commissioner may dispense with clearing and residence in certain cases.
4. This Act shall be read with and as part of *The Free Grants and Homesteads Act*. Act incorporated with Rev. Stat. c. 25.



4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The Free Grants and  
Homesteads Act.

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First Reading, 5th March, 1890.

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MR. HARDY.


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TORONTO:



PRINTED BY WARWICK & SON, 68 AND 70 FRONT ST. W.

## An Act to amend The Free Grants and Homesteads Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

 1. Section 12 of *The Free Grants and Homesteads Act* is repealed, and the following is substituted therefor:—

Rev. Stat. c.  
25, s. 12,  
repealed.

 12. From and after the 30th day of April, 1889, the patentee, his heirs or assigns, of land located or sold under *The Free Grants and Homesteads Act*, after the 5th day of March, 1880, shall be entitled to be paid out of the Consolidated Revenue of the province, on all pine trees cut on such land subsequent to the 13th day of April next, after the date of the patent, and upon which dues have been collected by the Crown, the sum of thirty-three cents on each one thousand feet, board measure, of saw logs, and four dollars on each one thousand cubic feet of square or waney timber, and the Lieutenant-Governor in Council may make regulations for ascertaining and determining the persons from time to time to receive the payments and the sums to be paid. 

Payment by  
Crown to  
patentees of  
part of dues.

2. In case a person who has complied with all the settlement duties under the said Act and obtained a patent for only one lot, is entitled to and desires to obtain another 100 acres to make up his full quantity, or having obtained his full quantity as a free grant has purchased an additional 100 acres under the orders and regulations under this Act, and such additional location or purchase is adjacent to his patented lot, the Commissioner of Crown Lands upon being satisfied that such lot or lots are not chiefly valuable for their pine timber, and are suited only or principally for grazing purposes or as a fuel reserve, may dispense with residence and settlement duties upon them provided there are 30 acres cleared upon the patented lot, and may issue the patent at the expiration of the time required by this Act.

Commissioner  
may dispense  
with residence  
and settlement  
duties in cer-  
tain cases.


3. In case a person is *bona fide* the owner and occupant of land in a free grant district acquired otherwise than as a free grant under the said Act and is entitled and desires to obtain a free grant location and such location adjoins the land which he owns and occupies, the Commissioner of Crown Lands upon being satisfied by inspection or evidence that the lands are not chiefly valuable for their pine timber, and are suited only or principally for grazing purposes or as a fuel reserve, and that there are 30 acres cleared upon the lands which he owns and resides upon, may dispense with clearing and residence

Commissioner  
may dispense  
with clearing  
and residence  
in certain  
cases.

upon such free grant location and issue the patent at the expiration of the time required by this Act.

Rev. Stat. c. 25, s. 10, amended.  
Locatee of two or more lots may cut pine for building and fencing.

 4. Section 10 of *The Free Grants and Homesteads Act* is amended by adding thereto the following sub-section,—

(2) Where the land allotted to a locatee or purchaser under this Act, is composed of two or more lots, or parcels of lots, the said locatee or purchaser or those claiming under him may cut such pine trees as may be necessary for the purpose of building and fencing as hereinbefore provided, or any one or more of the said lots or parcels of lots so located or purchased, and may use the said pine trees on the same lot or of any of the other lots or parcels of lots held by him as a free grant or by purchase under this Act, whether located at the same time or otherwise. 

Act incorporated with Rev. Stat. c. 25.

5. This Act shall be read with and as part of *The Free Grants and Homesteads Act*.



BILL.

An Act to amend The Free Grants and  
Homesteads Act.

First Reading,	5th March,	1890.
Second	" 28th	" 1890.

*(Reprinted as amended by Committee of  
the Whole House.)*

MR. HARDY.

TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.



## An Act] respecting the Profession of Architects.

WHEREAS it is deemed expedient for the better protection Preamble.  
 of the public interests in the erection of public and  
 private buildings in the Province of Ontario, and in order  
 to enable persons requiring professional aid in architecture to  
 distinguish between qualified and unqualified architects, and  
 to ensure a standard of efficiency in the persons practising the  
 profession of architecture in the Province, and for the further-  
 ance and advancement of the art of architecture;

Her Majesty, by and with the advice and consent of the  
 Legislative Assembly of the Province of Ontario, enacts as  
 follows:—

1. This Act may be cited as "*The Ontario Architects' Act.*" Short title.

2. All persons who shall cause their names to be registered Incorporation  
 under the provisions of this Act, shall be, and are hereby of Ontario  
 incorporated under the name and style of "The Ontario Association of  
 Association of Architects," hereinafter referred to as "The Architects.  
 Association."

3. The Ontario Association of Architects shall be a body Corporate  
 corporate by the name aforesaid, having a perpetual succession powers.  
 and a common seal, with power to acquire, hold and dispose of  
 personal and real estate, for the purposes of this Act, and to  
 sue and be sued, in the manner usual with such corporations.

4. Every person registered under the provisions of this Act Who may be-  
 shall be a member of the said association. come mem-  
bers.

5. There shall be a council of management of the said asso- Council of  
 ciation, to be appointed in the manner provided for in this Act, management.  
 and hereinafter referred to as "The Council."

6.—(1) The council shall be composed of nine persons, who shall Council, how  
 in the first instance be appointed by the Lieutenant-Governor composed.  
 in Council within one month after the passing of this Act, and  
 shall be British subjects, both residing and practising the  
 profession of architecture within the said Province for at least  
 ten years before the passing of this Act. The members of  
 said council so appointed shall meet in the city of Toronto, in  
 the county of York, for the purpose of organization within  
 one month after appointment, at such time and place as may  
 be directed by proclamation in the *Ontario Gazette*.

(2). Any five members of the council shall form a quorum. Quorum.

Terms of office  
of first mem-  
bers of coun-  
cil.

7. The members of the council so appointed by the Lieutenant-Governor in Council, shall hold office for the following terms respectively: the first three names mentioned for the term of three years; the second three names mentioned for the term of two years; the third and last three names mentioned for the term of one year. 5

Subsequent  
appointments  
of members of  
council.

8. All subsequent members of the council shall be elected by ballot, in such manner as may be provided for by the by-laws of the association, at the annual meeting of said association, or at a special meeting called for that purpose; and the member, or members, obtaining the greatest number of votes shall be declared elected. 10

Qualification  
of members of  
council.

9. No person shall be eligible for election to the council, or qualified to fill any vacancy thereon, or to vote for any member thereof unless duly qualified under the provisions of this Act and the by-laws of the association. 15

Term of office.

10. All elected members of the council shall hold office for the term of three years, except as hereinafter provided, and five shall form a quorum.

Vacancies,  
how filled.

11.—(1) In case of the resignation or death of any member or members of the council not exceeding four, the other members of the council shall have power to fill all vacancies so caused, until the time of the holding of the next annual meeting, provided said annual meeting is not to be held within a period of three months of the occurring of such vacancy or vacancies. 20

(2) In case of the resignation or death of five or more members of the council, the president or vice-president of the association, or in case of their, or either of their default for a period of ten days, any five members in good standing, shall have power to call a special meeting of the association upon a notice of not less than ten days, for the purpose of filling the vacancies so caused. 30

(3) In case of an election to fill the vacancies referred to in sub-sections 1 and 2, the member receiving the greater number of votes shall be considered the member elected to fill the vacancy which will require the longer term to expire, and so on until the vacancies are filled. 35

Proceedings  
where election  
disputed.

12. In case of any doubt or dispute as to who has or have been elected a member or members of the council, or as to the legality of the election of any member or members of the council, it shall be lawful for the other duly elected members to be, and they are hereby constituted a committee to hold an enquiry and decide who, if any, is, or are, the legally elected member or members of the council, and the person, or persons, if any, whom they decide to have been elected shall be and be deemed to be the member, or members legally elected, and if the election is found to have been illegal, the said committee shall have power to order a new election. 40

Power to  
regulate meet-  
ings of council  
and associa-  
tion.

13. Meetings of the association and the council shall be held at such times and places as may be fixed by the by-laws of the association or council respectively; and in the absence 45

of any rule or regulation as to the summoning of meetings of the association, or of the council, it shall be lawful for the president, or in the event of his absence or death, for the registrar, to summon the same at such time and place as to such officer seems fit, by circular letter to be mailed to each member.

14. In the event of the absence of the president from any meeting, either the vice-presidents, or in their absence, some other member to be chosen from among the members present, shall act as president.

Who to pre-  
side at meet-  
ing.

15. All questions submitted to the association, or the council, shall be decided by a majority of the members present, not being less than five in number in case of the council, and twenty in case of the association.

Majority to  
decide ques-  
tions.

16. At all meetings the president for the time being shall have only a casting vote.

President to  
have casting  
vote.

17. There shall be paid to the members of the council such fees for attendance, and such reasonable travelling expenses as may be fixed by by-law passed by the association at the annual meeting.

Payment of  
expenses of  
councillors.

18. The council shall annually elect from among its members a president and two vice-presidents, and shall appoint a registrar, treasurer, solicitor and such other officers as may be necessary for the working of this Act, who shall hold office during the pleasure of the council, and who shall, as well as being officers of the council, hold the like position as officers of the association.

Election of  
officers.

19. The council shall have power to fix by by-law the salaries or fees to be paid to such officers, and to the board of examiners hereinafter appointed.

Salaries of  
officers.

20. The council shall have power and authority ;

Powers of  
council.

(1) To appoint an examiner, or examiners, for the purpose of ascertaining and reporting upon the qualification,

(a) Of all persons who shall present themselves for admission and enrolment as students at any of the matriculation, preliminary, intermediate or final examinations.

(2) To make all necessary rules, regulations and by-laws respecting the admission and registration of students, the periods and conditions of study, and the enrolment of architects as members of the association and all matters relating to the discipline and honor of the profession.

(3) To regulate and fix the annual and admission fees payable by architects and students, and to make all rules, regulations, and by-laws, necessary for the proper working or carrying out of the provisions of this Act.

Power to pass  
by-laws.

(4) To enact by-laws as to the terms upon which it will receive the matriculation or other certificates of colleges and other institutions not in the Province of Ontario.

Accepting  
diplomas of  
foreign insti-  
tutions.



Matriculants  
in arts not re-  
quired to pass  
preliminary  
examination.

**21.** Any student who has matriculated in arts in any university in Her Majesty's dominions, or in the Ontario School of Practical Science, shall not be required to pass the preliminary examination.

Registration  
of students  
and prac-  
titioners.

**22.—(1)** Any person practising the profession of architecture within this province, on the coming into force of this Act, may become a member of the association, by causing his name to be registered with the registrar of the association within three months from the appointment of such registrar, and by paying to the registrar such fees as may by by-law or otherwise be made payable in that behalf. 5

(2) In case any such person as aforesaid, omits to be registered within said period of three months, through absence, illness, or inadvertence, such person may, at the discretion of the council be admitted to enrolment as an architect. 15

**23.** Any other person who applies for admission to registration as an architect after the coming into force of this Act, shall be not less than twenty-one years of age, and shall have served as a student not less than five years with a principal or principals entitled to register under this Act, and have passed such qualifying examinations as may be required by this Act. 20

Proviso.

**24.—(1)** All students desirous of entering the profession of architecture shall be presented by a member of the council, and shall cause their full names to be entered with the registrar and shall pay such fees, and submit to such examinations as shall be necessary in that behalf; provided that any person who, before the passing of this Act, has entered as a student for a shorter term than five years, with a principal or principals qualified to be registered under this Act, may serve under indenture the additional period to make up the said five years. 25

(2) Notice and evidence of existing studentship shall be given to the registrar within six months after the passing of this Act, and shall be accompanied with such fee as the council shall from time to time direct, and with properly executed articles of indenture for the said term. 35

(3) Any person who has graduated from the Ontario School of Practical Science shall be required to serve only three years as a student, one of which three years may be served during the vacations of such school. 40

(4) Upon and after the passing of this Act, students shall serve such term as is required to be served by the provisions of this Act, under indenture, to a registered architect, which indenture and any assignment thereof with affidavit of execution thereto attached shall be filed with the registrar upon payment of such fee as the council may by regulation direct. 45

Penalty for  
using title of  
architect while  
unregistered.

**25.** From and after the first day of July, 1890, no person shall be entitled to take or use the name or title of "Registered Architect," either alone or in combination with any other word or words, or any name, title, or description, implying that he is registered under this Act, unless he be so registered. Any person, who, after the above date, not being registered under this Act, takes or uses any such name, title, or description, as 50

aforesaid, shall be liable, on summary conviction, to a fine not exceeding \$25 for the first offence, and not exceeding \$100 for each subsequent offence.

26. On and after the first day of July, 1890, no person shall become qualified to become registered except as by this Act provided. Future qualification for registration.

27. The registrar of the council shall, in every year, cause to be printed, published, and kept for inspection at his office, free of charge, under the direction of the council, a correct register of the names, in alphabetical order according to the surnames, with the respective residences, in the form set forth in schedule A to this Act, or to the like effect, of all persons appearing on the general register on the first day of January in every year, and such register shall be called "The Architects' Register," and a copy of such register for the time being purporting to be so printed and published as aforesaid, shall be evidence in all courts, and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of this Act; provided always, that in case of any person whose name does not appear in such copy, a certified copy under the hand of the registrar of the council, of the entry of the name of such person in the register, shall be evidence that such person is registered under the provisions of this Act. Register of practitioners to be kept.

28. If the registrar shall wilfully make, or cause to be made, any falsification in any matters relating to the register, he shall be deemed to be guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned for any term not exceeding twelve months. Penalty for registrar falsifying register.

29. Any person who wilfully procures, or attempts to procure registration under this Act by making, or producing, or causing to be produced, or made any false or fraudulent representation, or declaration, either verbally or in writing, that he is entitled to such registration, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be sentenced to imprisonment for any term not exceeding twelve months. Penalty for procuring false registration.

30. The council shall have power to fix a tariff of fees beyond which the members of the association shall not charge, unless by special arrangement between the contracting parties, and by which all such members shall be bound. Council may fix fees to be charged by architects.

31. There shall be paid to every registered architect summoned to attend any court, civil or criminal, for the purpose of giving evidence in his professional capacity as an architect, for each day he so attends, in addition to his travelling expenses (if any), and to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court the same fee or allowance as is payable to provincial land surveyors.

32.—(1) All fees payable under this Act may be recovered as ordinary debts due to the association, and all penalties under this Act may be recovered and enforced before one or more justices of the peace, in manner directed by the Revised Recovery of fees and collection of penalties.



Statutes of Canada, chapter 178, entitled the *Summary Convictions Act*, and any Act amending the same.

(2) Any sum or sums of money arising from conviction and recovery of penalties as aforesaid, shall be paid immediately upon the recovery thereof by the convicting magistrate to the registrar of the council. 5

(3) Any person may be prosecutor or complainant under this Act, and the council may allot such portion of the penalties as may be expedient towards the payment of such prosecutor.

Service of  
notices.

**33.** Subject to the other provisions of this Act, all notices and documents required by or for the purposes of this Act to be sent, may be sent by post, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of the mail, and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepaid and properly addressed and put in the post. Such notices and documents may be in writing, or in print, or partly in writing and partly in print, and when sent to the council or other authorities shall be deemed to be properly addressed if addressed to the said bodies or authorities, or to some officer of the council or authority at the principal place of business of the council or authority, and when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address registered in the register of the association. 10 15 20 25

Application of  
funds.

**34.** All moneys arising from fees payable on registration or the annual renewal fees, or from the sale of copies of the register, or otherwise, shall be paid to the registrar of the council, and by him paid over to the treasurer, to be applied in accordance with such regulations as may be made by the council for defraying the expenses of registration and the other expenses of the execution of this Act, and subject thereto towards the support of museums, libraries, or lectureships, or for other public purposes connected with the profession of architecture, or towards the promotion of learning and education in connection with architecture. 30 35

(2) The council shall have power to invest any sum not expended as above in such securities as shall be approved by the Government of the Dominion of Canada, or of the Province of Ontario, in the name of any three of their number appointed as trustees, and any income derived from such invested sums shall be added to and considered as part of the ordinary income of the association. 40

(3) The association may also use surplus funds or invested capital for the rental or purchase of land or premises, or for the building of premises to serve as offices, examination halls, libraries, museums, or for any other public purpose connected with architecture. 45

Accounts of  
association.

**35.** The registrar and treasurer of the council shall enter in books to be kept for that purpose, a true account of all sums of money by them, or either of them, received and paid under this Act, and such account shall be audited and submitted to the council at such time, or times, as the council may require. 50

**36.** It shall be the duty of the registrar to keep the register in accordance with the provisions of this Act, and the by-laws, orders and regulations of the council. Registrar to keep correct register.

**37.**—(1) The council may direct the removal of any name from the register in the following cases, that is to say:—at the request or with the written consent of the person whose name is to be removed, or where the name has been improperly entered, or where the person registered has been convicted either in Her Majesty's dominions or elsewhere, of an offence, which, if committed in Her Majesty's Dominion would be a misdemeanor or higher offence, or where a person registered is shown to have been guilty of some breach of the by-laws, orders or regulations of the Ontario Association of Architects. Removal of names from register.

(2) Where the council orders the removal of the name of any person from the register, the name of such person shall not be re-entered therein except by a resolution of the council, or by an order of a court of competent jurisdiction.

## SCHEDULE A.

(Section 33.)

A.D. 1889.

Date of Registration.	Name.	Title or Distinction (if any.)	Residence.
1890. July 1st.	A. B.	B.A., Toronto University, R. C. A., T.A.G.	Toronto.
1891. Aug. 1st.	C. D.	F.R.I.B.A., England, T.A.G.	London.
	E. F.	R.I.A., Ireland.	Ottawa.
	G. H.	M.A., Professor of Architecture, Ontario School of Practical Science.	Toronto.
	I. J.	A.R.I.B.A., England.	Hamilton.
	K. L.	C.E., P.L.S.	Kingston.

No. 185.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the Profession of Architects.

First Reading, 5th March, 1890.

Mr. ROSS,  
(Middlesex).

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting the Profession of Architects.

**W**HEREAS it is deemed expedient for the better protection Preamble.  
of the public interests in the erection of public and private buildings in the Province of Ontario, and in order to enable persons requiring professional aid in architecture to distinguish between qualified and unqualified architects, and to ensure a standard of efficiency in the persons practising the profession of architecture in the Province, and for the furtherance and advancement of the art of architecture;

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Architects' Act.*" Short title.

2. All persons who shall cause their names to be registered under the provisions of this Act, shall be, and are hereby incorporated under the name and style of "*The Ontario Association of Architects,*" hereinafter referred to as "*The Association.*" Incorporation of Ontario Association of Architects.

3. The Ontario Association of Architects shall be a body corporate by the name aforesaid, having a perpetual succession and a common seal, with power to acquire, hold and dispose of personal and real estate, for the purposes of this Act, and to sue and be sued, in the manner usual with such corporations. Corporate powers.

4. Every person registered under the provisions of this Act, shall be a member of the said association. Who may become members.

5. There shall be a council of management of the said association, to be appointed in the manner provided for in this Act, and hereinafter referred to as "*The Council.*" Council of management.

6.—(1) The council shall be composed of nine persons, who shall in the first instance be appointed by the Lieutenant-Governor in Council within one month after the passing of this Act, and shall be British subjects, both residing and practising the profession of architecture within the said Province for at least ten years before the passing of this Act. The members of said council so appointed shall meet in the city of Toronto, in the county of York, for the purpose of organization within one month after appointment, at such time and place as may be directed by proclamation in the *Ontario Gazette*. Council, how composed.

(2). Any five members of the council shall form a quorum. Quorum.

Terms of office  
of first mem-  
bers of coun-  
cil.

7. The members of the council so appointed by the Lieutenant-Governor in Council, shall hold office for the following terms respectively: the first three names mentioned for the term of three years; the second three names mentioned for the term of two years; the third and last three names mentioned for the term of one year.

Subsequent  
appointments  
of members of  
council.

8. All subsequent members of the council shall be elected by ballot, in such manner as may be provided for by the by-laws of the association, at the annual meeting of said association, or at a special meeting called for that purpose; and the member, or members, obtaining the greatest number of votes shall be declared elected.

Qualification  
of members of  
council.

9. No person shall be eligible for election to the council, or qualified to fill any vacancy thereon, or to vote for any member thereof unless duly qualified under the provisions of this Act and the by-laws of the association.

Term of office.

10. All elected members of the council shall hold office for the term of three years, except as hereinafter provided, and five shall form a quorum.

Vacancies,  
how filled.

11.—(1) In case of the resignation or death of any member or members of the council not exceeding four, the other members of the council shall have power to fill all vacancies so caused, until the time of the holding of the next annual meeting, provided said annual meeting is not to be held within a period of three months of the occurring of such vacancy or vacancies.

(2) In case of the resignation or death of five or more members of the council, the president or vice-president of the association, or in case of their, or either of their default for a period of ten days, any five members in good standing, shall have power to call a special meeting of the association upon a notice of not less than ten days, for the purpose of filling the vacancies so caused.

(3) In case of an election to fill the vacancies referred to in sub-sections 1 and 2, the member receiving the greater number of votes shall be considered the member elected to fill the vacancy which will require the longer term to expire, and so on until the vacancies are filled.

Proceedings  
where election  
disputed.

12. In case of any doubt or dispute as to who has or have been elected a member or members of the council, or as to the legality of the election of any member or members of the council, it shall be lawful for the other duly elected members to be, and they are hereby constituted a committee to hold an enquiry and decide who, if any, is, or are, the legally elected member or members of the council, and the person, or persons, if any, whom they decide to have been elected shall be and be deemed to be the member, or members legally elected, and if the election is found to have been illegal, the said committee shall have power to order a new election.

Power to  
regulate meet-  
ings of council  
and associa-  
tion.

13. Meetings of the association and the council shall be held at such times and places as may be fixed by the by-laws of the association or council respectively; and in the absence



of any rule or regulation as to the summoning of meetings of the association, or of the council, it shall be lawful for the president, or in the event of his absence or death, for the registrar, to summon the same at such time and place as to such officer seems fit, by circular letter to be mailed to each member.

14. In the event of the absence of the president from any meeting, either the vice-presidents, or in their absence, some other member to be chosen from among the members present, shall act as president. Who to preside at meeting.

15. All questions submitted to the association, or the council, shall be decided by a majority of the members present, not being less than five in number in case of the council, and twenty in case of the association. Majority to decide questions.

16. At all meetings the president for the time being shall have only a casting vote. President to have casting vote.

17. There shall be paid to the members of the council such fees for attendance, and such reasonable travelling expenses as may be fixed by by-law passed by the association at the annual meeting. Payment of expenses of councillors.

18. The council shall annually elect from among its members a president and two vice-presidents, and shall appoint a registrar, treasurer, solicitor and such other officers as may be necessary for the working of this Act, who shall hold office during the pleasure of the council, and who shall, as well as being officers of the council, hold the like position as officers of the association. Election of officers.

19. The council shall have power to fix by by-law the salaries or fees to be paid to such officers, and to the board of examiners hereinafter appointed. Salaries of officers.

20. The council shall have power and authority ; Powers of council.

(1) To appoint an examiner, or examiners, for the purpose of ascertaining and reporting upon the qualification,

(a) Of all persons who shall present themselves for admission and enrolment as students at any of the matriculation, preliminary, intermediate or final examinations.

(2) To make all necessary rules, regulations and by-laws respecting the admission and registration of students, the periods and conditions of study, and the enrolment of architects as members of the association and all matters relating to the discipline and honor of the profession.

(3) To regulate and fix the annual and admission fees payable by architects and students, and to make all rules, regulations, and by-laws, necessary for the proper working or carrying out of the provisions of this Act. Power to pass by-laws.

(4) To enact by-laws as to the terms upon which it will receive the matriculation or other certificates of colleges and other institutions not in the Province of Ontario. Accepting diplomas of foreign institutions.

Matriculants in arts not required to pass preliminary examination.

**21.** Any student who has matriculated in arts in any university in Her Majesty's dominions, or in the Ontario School of Practical Science, shall not be required to pass the preliminary examination.

Registration of students and practitioners.

**22.—(1)** Any person practising the profession of architecture within this province, on the coming into force of this Act, may become a member of the association, by causing his name to be registered with the registrar of the association within three months from the appointment of such registrar, and by paying to the registrar such fees as may by by-law or otherwise be made payable in that behalf.

(2) In case any such person as aforesaid, omits to be registered within said period of three months, through absence, illness, or inadvertence, such person may, at the discretion of the council be admitted to enrolment as an architect.

Admission of other persons.

**23.** Any other person who applies for admission to registration as an architect after the coming into force of this Act, shall be not less than twenty-one years of age, and shall have served as a student not less than five years with a principal or principals entitled to register under this Act, and have passed such qualifying examinations as may be required by this Act.

Admission of students to practice.

**24.—(1)** All students desirous of entering the profession of architecture shall be presented by a member of the council, and shall cause their full names to be entered with the registrar and shall pay such fees, and submit to such examinations as shall be necessary in that behalf; provided that any person who, before the passing of this Act, *was* entered as a student for a shorter term than five years, *but not less than three years*, with a principal or principals qualified to be registered under this Act, ~~and~~ shall, on serving the full term of his indenture and passing the examinations prescribed by the council, be entitled to register under this Act. ~~and~~

Proviso.

(2) Notice and evidence of existing studentship shall be given to the registrar within six months after the passing of this Act, and shall be accompanied with such fee as the council shall from time to time direct, and with properly executed articles of indenture for the said term.

(3) Any person who has graduated from the Ontario School of Practical Science shall be required to serve only three years as a student, one of which three years may be served during the vacations of such school.

(4) Upon and after the passing of this Act, students shall serve such term as is required to be served by the provisions of this Act, under indenture, to a registered architect, which indenture and any assignment thereof with affidavit of execution thereto attached shall be filed with the registrar upon payment of such fee as the council may by regulation direct.

Penalty for using title of architect while unregistered.

**25.** From and after the first day of July, 1890, no person shall be entitled to take or use the name or title of "Registered Architect," either alone or in combination with any other word or words, or any name, title, or description, implying that he is registered under this Act, unless he be so registered. Any

person, who, after the above date, not being registered under this Act, takes or uses any such name, title, or description, as aforesaid, shall be liable, on summary conviction, to a fine not exceeding \$25 for the first offence, and not exceeding \$100 for each subsequent offence.

**26.** The registrar of the council shall, in every year, cause to be printed, published, and kept for inspection at his office, free of charge, under the direction of the council, a correct register of the names, in alphabetical order according to the surnames, with the respective residences, in the form set forth in schedule A to this Act, or to the like effect, of all persons appearing on the general register on the first day of January in every year, and such register shall be called "The Architects' Register," and a copy of such register for the time being purporting to be so printed and published as aforesaid, shall be evidence in all courts, and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of this Act; provided always, that in case of any person whose name does not appear in such copy, a certified copy under the hand of the registrar of the council, of the entry of the name of such person in the register, shall be evidence that such person is registered under the provisions of this Act.

Register of  
practitioners  
to be kept.

**27.** If the registrar shall wilfully make, or cause to be made, any falsification in any matters relating to the register, he shall be deemed to be guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned for any term not exceeding twelve months.

Penalty for  
registrar falsi-  
fying register.

**28.** Any person who wilfully procures, or attempts to procure registration under this Act by making, or producing, or causing to be produced, or made any false or fraudulent representation, or declaration, either verbally or in writing, that he is entitled to such registration, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be sentenced to imprisonment for any term not exceeding twelve months.

Penalty for  
procuring false  
registration.

**29.** There shall be paid to every registered architect summoned to attend any court, civil or criminal, for the purpose of giving evidence in his professional capacity, or in consequence of professional services rendered by him as an architect, for each day he so attends, in addition to his travelling expenses (if any), and to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court the same fee or allowance as is payable to provincial land surveyors.

Witness fees  
of architects.

**30.—(1)** All fees payable under this Act may be recovered as ordinary debts due to the association, and all penalties under this Act may be recovered and enforced before one or more justices of the peace, in manner directed by the Revised Statutes of Canada, chapter 178, entitled the *Summary Convictions Act*, and any Act amending the same.

Recovery of  
fees and col-  
lection of  
penalties.

(2) Any sum or sums of money arising from conviction and recovery of penalties as aforesaid, shall be paid immediately upon the recovery thereof by the convicting magistrate to the registrar of the council.



(3) Any person may be prosecutor or complainant under this Act, and the council may allot such portion of the penalties as may be expedient towards the payment of such prosecutor.

Service of  
notices.

**31.** Subject to the other provisions of this Act, all notices and documents required by or for the purposes of this Act to be sent, may be sent by post, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of the mail, and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepaid and properly addressed and put in the post. Such notices and documents may be in writing, or in print, or partly in writing and partly in print, and when sent to the council or other authorities shall be deemed to be properly addressed if addressed to the said bodies or authorities, or to some officer of the council or authority at the principal place of business of the council or authority, and when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address registered in the register of the association.

Application of  
funds.

**32** All moneys arising from fees payable on registration or the annual renewal fees, or from the sale of copies of the register, or otherwise, shall be paid to the registrar of the council, and by him paid over to the treasurer, to be applied in accordance with such regulations as may be made by the council for defraying the expenses of registration and the other expenses of the execution of this Act, and subject thereto towards the support of museums, libraries, or lectureships, or for other public purposes connected with the profession of architecture, or towards the promotion of learning and education in connection with architecture.

(2) The council shall have power to invest any sum not expended as above in such securities as shall be approved by the Government of the Dominion of Canada, or of the Province of Ontario, in the name of any three of their number appointed as trustees, and any income derived from such invested sums shall be added to and considered as part of the ordinary income of the association.

(3) The association may also use surplus funds or invested capital for the rental or purchase of land or premises, or for the building of premises to serve as offices, examination halls, libraries, museums, or for any other public purpose connected with architecture.

Accounts of  
association.

**33.** The registrar and treasurer of the council shall enter in books to be kept for that purpose, a true account of all sums of money by them, or either of them, received and paid under this Act, and such account shall be audited and submitted to the council at such time, or times, as the council may require.

Registrar to  
keep correct  
register.

**34.** It shall be the duty of the registrar to keep the register in accordance with the provisions of this Act, and the by-laws, orders and regulations of the council.

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## SCHEDULE A.

*(Section 33.)*

A.D. 1889.

Date of Registration. Name.		Title or Distinction (if any.)	Residence.
1890.	July 1st.	A. B. Toronto University .....	Toronto.
1891.	Aug. 1st.	C. D. ....	L. ....
		E. F. ....	Ottawa.
		G. H. ....	Toronto.
		I. J. ....	Hamilton.



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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act respecting the Profession of Architects.

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First Reading, 5th March, 1890.

Second " 13th " 1890.

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*(Reprinted as amended by Committee of  
Whole House.)*

Mr. ROSS,  
(Middlesex.)

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TORONTO:

PRINTED BY WARWICK & SONS, 68 and 70 FRONT W. ST.

An Act to amend the Public and Separate Schools Acts.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The clerk of every municipality shall forthwith after the passing of this Act, enter in a convenient index book, and in alphabetical order, the name of every person who has given to him or any former clerk of the municipality notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by the 40th section of *The Separate Schools Act*, or by previous Acts respecting separate schools; the clerk shall also enter opposite to the name, and in a column for this purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by the 47th section of the said Act, or by any such other Act as aforesaid, with the date of such withdrawal; or any disallowance of the notice by the court of revision or county judge, with the date of such disallowance. The Index book may be in the form set out in the schedule to this Act, and shall be open to inspection by ratepayers.

Index book of supporters of separate schools to be kept by clerk.

(2) The clerk shall enter in the same book, and in the proper alphabetical place therein, all such notices hereafter from time to time received by the clerk.

(3) It shall be the duty of the clerk to file and carefully preserve all such notices which have been heretofore received, or shall hereafter be received.

2. In the case of a municipality in which there are supporters of a Roman Catholic separate school therein, or contiguous thereto, there shall be printed in conspicuous characters, or written across or on the assessor's notice to every ratepayer, provided for by the 47th section of *The Assessment Act*, and set forth in schedule B. to the said Act, in addition to the proper entry heretofore required, to be made in the column respecting the school tax, the following words: "You are assessed as a separate school supporter," or "You are assessed as a public school supporter," as the case may be; or these words may be added to the notice of the ratepayer set forth in the said schedule.

Notice to be given when persons assessed as separate school supporters.

3. Where the list required by the first section of this Act is prepared, the assessor is to be guided thereby in ascertaining who have given the notices which are by law necessary, in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax.

Assessor to be guided by index book.

Meaning of  
Rev. Stat. c.  
227, s. 48.

4. The statement made under the second sub-section of the 48th section of *The Separate School Act*, or the fourteenth sub-section of *The Assessment Act*, means, and has always meant, a statement made to the assessor on behalf of the ratepayer by his authority, and not otherwise. 5

Correction of  
mistakes in  
assessing sepa-  
rate school  
supporters.

5. In case of its appearing to the municipal council of any municipality after the final revision of the assessment roll, that through some mistake or inadvertence any ratepayers have been placed in the wrong school tax column, either as supporters of separate schools or supporters of public schools, 10 it shall be competent for the municipal council after due enquiry and notice to correct such errors if such council sees fit, by directing the amount of the tax of such ratepayers to be paid to the proper school board. But it shall not be competent for the council to reverse the decision of the court of revision 15 or the county court judge as to any ratepayer.

(2) In case of such action by a municipal council the ratepayer shall be liable for the same amount of school tax as if he had in the first instance been entered on the roll properly.

## SCHEDULE.

(Section 1.)

*Form of Index Book for Roman Catholic Separate School Supporters.*

Names.	Notices claiming exemption from public school tax, when received.	Remarks.
Allen, John.....	3rd February, 1889.	Notice of withdrawal received 1st January, 1890.
Ardagh, Joseph.....	3rd February, 1889.	Disallowed by Court of Revision, 1st June, 1889.
Ashbridge, Robert....	3rd February, 1889.	



No. 186.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend the Public and Separate  
Schools Acts.

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First Reading, 5th March, 1890.

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MR. ROSS,  
(*Middlesex.*)

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to amend the Public and Separate Schools Acts.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The clerk of every municipality shall forthwith after the passing of this Act, enter in a convenient index book, and in alphabetical order, the name of every person who has given to him or any former clerk of the municipality notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by the 40th section of *The Separate Schools Act*, or by previous Acts respecting separate schools; the clerk shall also enter opposite to the name, and in a column for this purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by the 47th section of the said Act, or by any such other Act as aforesaid, with the date of such withdrawal; or any disallowance of the notice by the court of revision or county judge, with the date of such disallowance. The Index book may be in the form set out in the schedule to this Act, and shall be open to inspection by ratepayers.

Index book of supporters of separate schools to be kept by clerk.

(2) The clerk shall enter in the same book, and in the proper alphabetical place therein, all such notices hereafter from time to time received by the clerk.

(3) It shall be the duty of the clerk to file and carefully preserve all such notices which have been heretofore received, or shall hereafter be received.

2. In the case of a municipality in which there are supporters of a Roman Catholic separate school therein, or contiguous thereto, there shall be printed in conspicuous characters, or written across or on the assessor's notice to every ratepayer, provided for by the 47th section of *The Assessment Act*, and set forth in schedule B. to the said Act, in addition to the proper entry heretofore required, to be made in the column respecting the school tax, the following words: "You are assessed as a separate school supporter," or "You are assessed as a public school supporter," as the case may be; or these words may be added to the notice of the ratepayer set forth in the said schedule.

Notice to be given when persons assessed as separate school supporters.

3. Where the list required by the first section of this Act is prepared, the assessor is to be guided thereby in ascertaining who have given the notices which are by law necessary, in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax.

Assessor to be guided by index book.

Meaning of  
Rev. Stat. c.  
227, s. 48.

4. The statement made under the second sub-section of the 48th section of *The Separate Schools Act*, ~~the~~ the 120th section of *The Public Schools Act*, ~~for~~ or the fourteenth sub-section of *The Assessment Act*, means, and has always meant, a statement made to the assessor on behalf of the ratepayer by his authority, and not otherwise.

Correction of  
mistakes in  
assessing sepa-  
rate school  
supporters.

5. In case of its appearing to the municipal council of a municipality after the final revision of the assessment roll, that through some mistake or inadvertence any ratepayers have been placed in the wrong school tax column, either as supporters of separate schools or supporters of public schools, it shall be competent for the municipal council after due enquiry and notice to correct such errors if such council sees fit, by directing the amount of the tax of such ratepayers to be paid to the proper school board. But it shall not be competent for the council to reverse the decision of the court of revision or the county court judge as to any ratepayer.

(2) In case of such action by a municipal council the ratepayer shall be liable for the same amount of school tax as if he had in the first instance been entered on the roll properly.

Rev. Stat.  
c. 225.

6. Sub-section 1 of section 103 of *The Public Schools Act* is amended by adding thereto the following words:—

Trustees may  
discontinue  
use of ballot  
at elections.

“In like manner any board of trustees or any board of education may discontinue the use of the ballot in trustee elections on giving notice to the clerk of the municipality to that effect at the time hereinbefore mentioned, and thereafter elections for the purposes of this Act shall be conducted as provided in section 98.”

7. Section 103 of *The Public Schools Act* is amended by adding thereto the following sub-section:—

(5) Where any board of trustees or board of education requires elections to be held under this section by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting elections by ballot be discontinued at any time, then the provisions of section 98 shall apply for a period of three years at least after such discontinuance.

Rev. Stat.  
c. 227, s. 40,  
amended.

8. Section 40 of *The Separate Schools Act*, is amended by adding thereto the following sub-sections:—

Proviso as to  
time for  
giving  
notice by  
separate  
school sup-  
porter.

(2) Provided always that every such proprietor or tenant who, by himself or his agent, gives the notice provided for by this section on or before the first day of May, 1890, shall, to all intents and for all purposes, be deemed and taken to have duly given the said notice on or before the first day of March, 1890, and the notice shall have the same effect as if it had been given on or before said first day of March.

Time for giv-  
ing notice by  
separate  
school sup-  
porter becom-  
ing resident in  
a municipality

(3) Provided always that where the proprietor or tenant was not, on or before the first day of March in any year, a resident of the municipality, or rated upon the assessment roll thereof, he becomes such resident, and entitled to be rated on the assessment roll thereof, before the time for appealing from the assessment to the court of revision, he shall be entitled to

give the notice provided for by this section at any time before the expiration of the said time for appealing, and a notice so given shall have the same effect as if given on or before the first day of March, of the year in which it shall be given.

9. The clerk of every municipality in which there is a separate school shall, once in each year, upon the written request of the trustees of such separate school, deliver to them a statement in writing, showing the names of all persons appearing upon the assessment roll for the current year, who have given the notice required by section 40 of the said Act, with the amount for which each person has been rated upon such assessment roll.

Clerk to give trustees annual statement of supporters of separate schools.

SCHEDULE.

(Section 1.)

Form of Index Book for Roman Catholic Separate School Supporters.

Names.	Notices claiming exemption from public school tax, when received.	Remarks.
Allen, John.....	3rd February, 1889.	Notice of withdrawal received 1st January, 1890.
Ardagh, Joseph.....	3rd February, 1889.	Disallowed by Court of Revision, 1st June, 1889.
Ashbridge, Robert....	3rd February, 1889	

No. 186.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Public and Separate  
Schools Acts.

First Reading,	5th March, 1890.
Second     "     27th     "     1890.	

*(Reprinted as amended by Committee of  
the Whole House.)*

MR. ROSS,  
(*Middlesex*.)

TORONTO:

PRINTED BY WATKIN & SONS, 68 AND 70 FRONT ST. W.

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No. 187.]

## BILL.

[1890.

### An Act to amend The Liquor License Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 57 of *The Liquor License Act* is hereby amended Rev. Stat.  
5 by inserting in the fifth line thereof after the words “municipal c. 194 s. 57.  
election,” the words “or on any holiday,” but this Act shall not have effect in any municipality unless and until it is brought into force thereon by a vote of the electors of such municipality entitled to vote at municipal elections therein.



No. 187.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Liquor License Act.

First Reading, 5th March, 1890.

Mr. E. F. CLARKE,  
(*Toronto*).

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 188.]

## BILL.

[1890.

An Act to amend the Act respecting Arbitrations  
and References.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. Section 24 of the *Act respecting Arbitrations and* Rev. Stat. c.  
5 *References*, is amended by adding thereto the following sub- 53, s. 24  
section : amended.

(2) In arbitrations under *The Municipal Act*, the arbitrator or  
arbitrators when filing with the clerk of the municipality "full  
notes of the oral evidence given on the references and also the  
10 documentary evidence or a copy thereof" as provided by sec-  
tion 401 of *The Municipal Act*, shall also file with the said  
clerk a statement verified by oath or affirmation of each of  
the said arbitrators showing the number of hours actually  
occupied by him or them in the said arbitration, and verifying  
15 in detail the number of hours so occupied by each sitting of  
the said arbitrator or arbitrators with the date of each sitting,  
and the fees charged by the said arbitrators in respect of each  
sitting.

Statement of  
length of sitt-  
ing to be filed  
by arbitrators  
in municipal  
arbitrations.

No. 188.

4th Session, 6th Parliament, 53 Vic. 1890.

BILL.

An Act to amend the Act respecting  
Arbitrations and References.

First Reading, 5th March, 1890.

MR. E. F. CLARKE.  
(*Toronto*.)

TORONTO :

PRINTED BY WILKINSON & SONS, 68 AND 70 FRONT ST. W.

No. 189.]

## BILL.

[1890.

An Act to amend the Act to Prevent the Spread of Noxious Weeds and of Diseases affecting Fruit Trees.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The *Act to prevent the spread of Noxious Weeds and of Diseases affecting Fruit Trees* is hereby amended by adding to section 4 thereof the following sub-section : Rev. Stat. c. 202, s. 4 amended.

(4) In any case where the inspector has reasonable cause to suspect that any fruit offered for sale or shipment is the fruit of or contains any fruit of a tree or trees infected with the "yellows," such inspector may seize and confiscate the said fruit and the basket, box or crate containing the same, with the fruit therein enclosed, and may prosecute the person offering the same for sale or shipment for a breach of the provisions of this Act. Confiscation of fruit infected with yellows.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend the Act to prevent the  
Spread of Noxious Weeds and of Diseases  
affecting Fruit Trees.

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First Reading, 5th March, 1890.

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MR. E. F. CLARKE,  
(*Toronto*.)

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TORONTO :

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.



## An Act to amend The Free Libraries Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The number of members of the board of management of  
5 every free library established in any city under *The Free* Number of  
members on  
boards in  
cities.  
*Libraries Act* is hereby increased from three to six.
2. Of the first six members of said board appointed by any  
10 city council two shall hold office until the first day of February  
next, after this appointment two others until the first day of  
February in the following year, and the remaining two until  
the first day of February in the following year, provided their  
respective successors are then appointed; but every member of  
15 any such board of management shall continue in office until  
his successor or successors is or are appointed. Term of office  
of first  
directors  
appointed  
by council.
3. The two members thereafter appointed by any city  
council in the stead of those whose term of office are about to  
expire, shall hold office until the first day of February next  
20 following their appointment, and thereafter until their succe-  
sors are appointed. Subsequent  
appointments.
4. In cities six members of the board of management shall  
be required to form a quorum of the board. Quorum of  
board in  
cities.

No. 190.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Free Libraries Act.

First Reading, 5th March, 1890

MR. E. F. CLARKE  
(*Toronto*).

TORONTO :

PRINTED BY WARWICK & SON, 68 AND 70 FRONT ST. W.

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 401 of *The Municipal Act* is amended by adding  
5 thereto the following sub-section:—

Rev. Stat. c.  
184, s. 401  
amended.

(2) The said arbitrator, or arbitrators, shall also at the same time file with the said clerk a statement verified by oath or affirmation of each of the said arbitrators, showing the number of hours actually occupied by him, or them, in the said arbitration, and verifying in detail the number of hours so occupied at each sitting of the said arbitrator or arbitrators, with the date of each such sitting and the fees charged by said arbitrators in respect of such sitting.

Arbitrators to  
verify fees on  
oath.

2. Section 402 of the said Act is amended by striking out  
15 the words "six weeks" in the 9th line thereof and substituting the words "three months."

Rev. Stat. c.  
184, s. 402  
amended.

3. Section 483 of the said Act is hereby amended by adding  
20 thereto the following words: "and any such claim must be made within six calendar months from the date when the said damages were sustained, or in case of continuance of damage, then within one year from the time when the original cause of complaint arose."

Rev. Stat. c.  
184, s. 483  
amended.

4. Section 545 of the said Act is amended by adding thereto  
the following sub-section:—

Rev. Stat. c.  
184, s. 545  
amended.

25 (2) No private owner of property shall file a plan laying out any public street or lane across or through the lands of such private owner unless and until he has obtained the consent under seal thereto of the municipal corporation in which the said lands are situate.

Consent of  
corporation  
required to  
laying out  
streets and  
lanes.

30 5. Section 612 of the said Act is amended by striking out the words "one month" in the fourth line of sub-section 4 (a), and substituting the words "15 days" therefor.

Rev. Stat. c.  
184, s. 612  
amended.

6. The exemptions allowed by section 7 of *The Assessment Act* shall not apply to any local work or improvement, constructed, made or done under section 612 of *The Municipal Act*.

Exemptions of  
Rev. Stat. c.  
193, not to  
apply to local  
improvements

Certain provisions of the Railway Act of Canada to apply to municipal corporations as to expropriation of lands.

7. The following provisions of *The Railway Act of Canada* shall hereafter apply to municipal corporations in this Province.

(a) The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected by any municipal corporation in the exercise of its corporate powers shall stand in the stead of such lands, and any claim to or encumbrance upon the said lands, or to any portion thereof shall, as against the said corporation, be converted into a claim to the money so paid, or to a like proportion thereof. 10

(b) If the corporation has reason to fear any claims or encumbrances, or if any person to whom the compensation or damage or any part thereof is payable, refuses to execute the proper conveyance or guarantee, or cannot be found, or is unknown to the corporation, or if for any other reason the corporation deems it advisable, the corporation may pay such compensation into the office of the accountant of the Supreme Court of Judicature for Ontario with interest thereon at 6 per cent. per annum for three months, and may deliver to such accountant an authentic copy of the conveyance or of the award or agreement, as the case may be, and such award or agreement or conveyance shall thereafter be deemed to be the title of the corporation to the land therein mentioned. 20

(c) A notice in such form and for such time as any judge of the High Court of Justice may direct, shall be inserted in a newspaper, if there is one published in the county in which the lands are situated, or if there is no newspaper published in the county, then in the *Ontario Gazette*, and also in a newspaper published in the nearest county thereto in which any newspaper is published. Such notice shall state that the title of the corporation, under such agreement, award or conveyance, is valid under this Act, and shall call upon all persons entitled to the lands or to any part thereof so taken or injuriously affected, to file their claims to the said compensation money or any part thereof, and all such claims shall be received and adjudicated upon by the High Court of Justice or by any judge thereof, and the said proceedings shall forever bar all claims to the said lands or to any part thereof, including dower, as well as all mortgages or encumbrances upon the same, and the said court or judge shall make such order for distribution, payment or investment of the said compensation money and for securing the rights of all persons interested, as may be necessary. 30 35 40

(d) The cost of the proceedings, including proper allowances to witnesses, shall be paid by the corporation or by such other person as the said court or any judge thereof may order; and if the said order of distribution is obtained in less than three months from the payment into court of the said compensation moneys, the court or any judge thereof may direct any proportionate part of such interest to be returned to the said corporation. 45 50

(e) Such judgment shall forever bar all claims to the lands or any part thereof, including dower, as well as any mortgage or encumbrance upon the same, and the court or judge shall make such order for distribution, payment or investment of the said compensation money, and for the security of the rights of all persons interested therein as may be necessary. 55



8. Municipal corporations may sell or convey any lands required by them in the exercise of their corporate powers and found to be no longer necessary for municipal purposes; but any by-law for the sale and conveyance of such lands must be approved by the Lieutenant-Governor in Council before the final passing thereof.

Power to sell lands no longer required.

9. Whenever any municipal corporation is or becomes entitled by law, or by any statutory provision, or by any agreement now or hereafter existing, to expropriate, acquire or take possession of any real or personal property on payment of the value thereof, to be determined by arbitration, after having duly given any notice required by law, or by any agreement between parties, such corporation shall be entitled to and may take actual possession of such real or personal property pending the determination of such value; provided that the High Court of Justice, or any judge thereof, may, upon the application of any person interested in such property, order that the municipality shall give security to the satisfaction of the court for the due payment of the value of such property at the date when the municipality became entitled to take possession, with interest from the date upon which the municipality took such possession; and such security, in the discretion of the court or judge, may be given by the bond of such municipality without other security.

Power to take possession of property pending arbitration

Proviso.

10. Lands dedicated by any owner thereof for a street or public highway shall not be subject to any claim for dower by the wife of any person by whom the same was dedicated.

Lands dedicated for streets not subject to dower.

11. Section 247 of *The Municipal Act* is amended by adding thereto the following sub-section:—

Rev. Stat. c. 184, s. 247 amended.

(2) A copy of or extract from any public document in custody of the clerk of any municipality, certified under the hands of such clerk and the seal of the municipality, shall be receivable in evidence in any court, in view of the original, and none of the original documents hereinbefore specified shall be produced by the said clerk except under the order of a judge of the High Court of Justice.

Certified copies of municipal documents to be evidence.

12. Section 495 of *The Municipal Act* is amended by adding thereto the following sub-section:—

Rev. Stat. c. 184, s. 495 amended.

(12) For defining the areas within which any particular class of buildings, business, factories, lumber yards, rag, bone, or junk shops, or other industries of a dangerous, noxious, or unhealthy character may be carried on within the said municipality.

By-laws for defining districts within which certain trades may be carried on.

13. Section 496, sub-section 39, of *The Municipal Act* is amended by adding thereto the following words:—

Rev. Stat. c. 124, s. 496, sub-s. 39 amended.

“For compelling telegraph, telephone and electric light companies to place their wires underground within the said municipality, or within any area thereof to be defined by the said by-law and for providing that from and after a date to be named in said by-law no person or corporation shall keep up or maintain in their own municipality, or within any one thereof to be defined by said by-law, any telephone, telegraph or electric wires, or any poles to carry said wires above the surface of the

By-laws for compelling companies to place wires underground.



ground, upon, along or on any street, highway, alley, lane, avenue, park, or other public place except with the permission of the corporation of said municipality.

Rev. Stat. c.  
184, s. 496  
amended.

By-laws for  
regulating  
placing of  
poles and  
wires.

**14.** The following sub-sections are added to section 496 of *The Municipal Act*, as sub-sections 39a and 39b thereof :— 5

(39a) For regulating the placing of poles and the stringing and insulation of all electrical conductors for telephone, telegraph and the like services, or for supplying or carrying electric light or power within the municipality, and for compelling the removal at the expense of the owner thereof, of all defective, 10 imperfectly insulated, broken or dead wires, poles and fixtures which may be upon or over any street, avenue, highway, alley, lane, park, or other public place.

For appoint-  
ing inspectors  
to enforce  
such by-laws.

(39b) For appointing an inspector or inspectors to enforce the provisions of any by-law or by-laws passed under any of 15 the three preceding sub-sections.

52 V. c. 36, s.  
24 repealed.

**15.** Section 24 of *The Municipal Amendment Act, 1889*, is repealed and the following substituted therefor :—

Rev. Stat. c.  
184, s. 496, sub-  
s. 10 amended.

Regulating  
width of  
streets, etc.

**24.** Section 496 of *The Municipal Act* is hereby amended by adding thereto, as part of sub-section 10, the following :— 20

“ For regulating the minimum width of streets, lanes, places’ or alleys within the municipality upon which dwelling houses may be erected or occupied, the minimum area of vacant land to be attached to any dwelling house as the court yard or curtilage thereof, and the mode of erection of all buildings 25 occupied or intended to be occupied as dwelling houses within the municipality, or within any defined area or areas thereof, and for preventing the erection of dwellings in crowded or unsanitary districts.”



No. 191.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 5th March, 1890.

MR. E. F. CLARKE,  
(*Toronto*).

TORONTO :  
PRINTED BY WATKINS & SONS, 68 AND 70 FRONT ST. W.

No. 192.]

## BILL.

[1890.

### An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in sections 55 and 56 of *The Assessment Act*, the council of any city having a population of 100,000 or over, may by by-law appoint in each year as the Court of Revision for the municipality three persons, none of whom shall be a member or officer of or in the employment of the city council, and may provide by the same or any other by-law for the payment of the members of such Court of Revision; and such court shall have the same powers as a Court of Revision appointed under the above sections.
- Appointment of Court of Revision in large cities.

No. 192.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Assessment Act.

First Reading, 5th March, 1890.

MR. E. F. CLARKE,  
(*Toronto*).

TORONTO :

PRINTED BY WARDER & SONS, 68 AND 70 FRONT ST. W



o. 193].

## BILL.

[1890.

### An Act respecting the relations between Employers and Workmen.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. The wages of workmen shall be payable in full in money  
5 and not otherwise, and no deduction or stoppage of any descrip-  
tion shall be made from the wages earned on any account  
whatsoever, and all agreements to the contrary between the  
workman and his employer shall be void. Wages of  
workmen to be  
payable only  
in money.
- 10 2. If any employer shall bargain to deduct, or shall deduct  
directly or indirectly from the wages of any employee, any  
part of such wages, or shall pay the same or any part thereof,  
except in money he shall forfeit, and pay \$20 for every such  
contravention of this Act, to be recovered with costs, by any  
person (including the employee), who shall sue for the same  
15 in any court of competent jurisdiction. Penalty for  
making deduc-  
tion in wages.
- 20 3. No person shall coerce or compel any workman to agree  
either verbally or in writing, as a condition of his employ-  
ment by such person, or by any person on whose behalf he  
acts, or as part of the terms of his engagement, that such  
workman shall not join in, or become, or be, or remain a mem-  
ber of any lawfully existing labor organization, and if any  
such condition or terms shall be agreed upon, or entered into,  
it shall be conclusively presumed that the workman was  
coerced or compelled to agree to them. Agreements  
forbidding  
workmen to  
join labor  
organizations.
- 25 4. Every such condition or term shall be void, and the per-  
son offending against the provisions of the next preceding  
section shall be liable on conviction to a penalty of not less  
than \$20, or more than \$100, to be recovered with full costs of  
prosecution on summary conviction before any one or more of  
30 Her Majesty's justices of the peace, for the county in which  
the offence is committed. Penalty for  
making agree-  
ments as to  
joining labor  
organizations.
5. Section 28 of *The Trades Arbitration Act*, is hereby  
repealed. Rev. Stat. c.  
140, s. 23,  
repealed.
- 35 6. Nothing in this Act contained shall apply to domestic  
servants, or servants in husbandry, or to an agreement by  
which the workman is to receive his board, or board and lodg-  
ing, or any part of it in addition to his wages. Persons not  
affected by  
this Act.

No. 193.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the relations between  
Employers and Workmen.

First Reading, 5th March, 1890.

MR. INGRAM.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W .


No. 193].

## BILL.



[1890.

### An Act respecting the relations between Employers and Workmen.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

 1. Section 28 of *The Trades Arbitration Act* is hereby re-  
pealed and the following section substituted therefor.—

Rev. Stat. c.  
140, s. 28,  
repealed.

 28. The masters and workmen making the agreement or  
memorandum mentioned in section 3 of this Act may by such  
memorandum or agreement authorize the said Board to establish  
a rate of wages or price of labor or workmanship at which the  
workmen shall in future be paid. 

Masters and  
workmen may  
authorize  
Board to  
establish rate  
of wages.

No. 193.

4th Session, 6th Legislature, 53 Vic, 1890.

## BILL.

An Act respecting the relations between  
Employers and Workmen.

First Reading, 5th March, 1890.  
Second " 1st April, 1890.

*(Reprinted as amended by Select  
Committee.)*

MR. INGRAM.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

An Act to amend the Act to authorize and regulate the use of Traction Engines on Highways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of the *Act to authorize and regulate the use of* Rev. Stat., c. 200, s. 4, amended.  
5 *Traction Engines on Highways* is amended by adding after the word "engines" in the first line thereof, the words "weighing less than five tons shall not be less than          inches in width, and the wheels of all such other engines weighing over five tons."
- 10 2. The following shall be inserted as section 13a of the said Rev. Stat. c. 200, amended.  
Act.
- 13a. Traction engines weighing not more than five tons, and Engines weighing five tons and less.  
used only for the conveyance of the usual appliances for threshing purposes, shall not be subject to the provisions of  
15 sections 10, 12 and 15 of this Act.
3. The driving wheels of traction engines weighing less Driving wheels.  
than five tons, shall not be less than          inches in width.



No. 194.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the Act to authorize and regulate the use of Traction Engines on Highways.

First Reading, 5th March, 1890.

MR. MEACHAM.

TORONTO:

PRINTED BY WAEWICK & SONS, 68 & 70 FRONT ST. W.

No. 195]

## BILL.

[1890.

### An Act respecting Exemptions from Municipal Assessments.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5 1. Land on which a place of worship is erected, and land used in connection with a place of worship, shall be liable to be assessed in the same way and to the same extent as other land, for local improvements hereafter made or to be made. (R.S.O. ch. 184, s. 626, etc.; ch. 193, s. 7 (3)). Assessment of lands in connection with churches for local improvements.
- 0 2. The stipends or salaries of clergymen and ministers of religion, and parsonages or dwellings occupied by them with the lands attached thereto, shall be liable to assessment for all municipal purposes in the same manner, and to the same extent as the incomes, dwellings and property of other persons. Assessment of salaries and dwellings of clergymen.
- 5 The article numbered 25 of the 7th section of *The Assessment Act* is hereby repealed. (R.S.O. c. 193, s 7, (23) (25)). Rev. Stat. c. 193, s. 7, art. 25 repealed.
- 0 3. The buildings and grounds of and attached to a university, college, or other incorporated seminary of learning, whether vested in a trustee or otherwise, shall be liable to be assessed in the same manner and to the same extent as other land is assessed for local improvements hereafter made or to be made. This section does not apply to schools which are maintained in whole or in part by a Legislative grant or a school tax. (R.S.O. c. 193, s 7 (4)). Assessment of colleges, etc. Proviso.
- 5 4. In the case of persons carrying on a mercantile business in a municipality, the municipal council of the municipality may pass by-laws substituting, in respect of any class or classes of mercantile business, a business tax for the taxes on so much of the personal property of the ratepayer as belongs to the business, provided that such business tax does not exceed seven and a half per cent. of the annual value of the premises in which the business is carried on. (R.S.O. c. 193, s.7 (21)). Assessment of merchants.
- 5 5. This Act shall be read as part of *The Municipal Act* and *The Assessment Act* respectively as hereby and otherwise amended. Act incorporated with Rev. Stat. caps. 184 and 193.
6. This Act shall go into force on the first day of January next after the passing thereof. Commencement of Act.

4th Session, 6th Legislature, 5th Vic, 1890.

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BILL.

An Act respecting Exemptions from  
Municipal Assessments.

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First Reading, 5th March, 1890.

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Mr. ROSS,  
(Huron).

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TO BE CONT'D :

PRINTED BY WATKINS & SON, 68 AND 70 FRONT ST. W.

An Act respecting Exemptions from Municipal Assessments.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Land on which a place of worship is erected, and land used in connection with a place of worship, shall be liable to be assessed in the same way and to the same extent as other land, for local improvements hereafter made or to be made. (R.S.O. ch. 184, s. 626, etc.; ch. 193, s. 7 (3). Assessment of lands in connection with churches for local improvements.

2. The stipends or salaries of clergymen and ministers of religion, and parsonages or dwellings occupied by them with the lands attached thereto, shall be liable to assessment for all municipal purposes in the same manner, and to the same extent as the incomes, dwellings and property of other persons. The article numbered 25 of the 7th section of *The Assessment Act* is hereby repealed. (R.S.O. c. 193, s. 7, (23) (25). Assessment of salaries and dwellings of clergymen.  
Rev. Stat. c. 193, s. 7, art. 25 repealed.

3. The buildings and grounds of and attached to a university, college, or other incorporated seminary of learning, whether vested in a trustee or otherwise, shall be liable to be assessed in the same manner and to the same extent as other land is assessed for local improvements hereafter made or to be made. This section does not apply to schools which are maintained in whole or in part by a Legislative grant or a school tax. (R.S.O. c. 193, s. 7 (4). Assessment of colleges, etc.  
Proviso.

4. (1) In the case of persons carrying on a mercantile business in a municipality, the municipal council of the municipality may pass by-laws substituting, in respect of any class or classes of mercantile business, a business tax for the taxes on so much of the personal property of the ratepayer as belongs to the business, provided that such business tax does not exceed seven and a half per cent. of the annual value of the premises in which the business is carried on, and the council may in their by-law classify different kinds of mercantile business, and fix the business tax on the respective classes at such a percentage on the annual value of the premises occupied, within the limits provided by this section as to the council may seem reasonable. (R.S.O. c. 193, s. 7 (21). Assessment of merchants.

(2) For the purposes of this section the annual value of the premises in which the business is carried on shall be taken to be an amount representing seven per cent. on the assessed real value of the said premises.

5. This Act shall be read as part of *The Municipal Act* and *The Assessment Act* respectively as hereby and otherwise amended. Act incorporated with Rev. Stat. caps. 184 and 193.

6. This Act shall go into force on the first day of January next after the passing thereof. Commencement of Act.

No. 195.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting Exemptions from  
Municipal Assessments.

First Reading,	5th March,	1890.
Second "	31st "	1890.

*(Reprinted as amended by Committee of  
the Whole House.)*

Mr. ROSS,  
(Huron).

TORONTO :

PRINTED BY WATKINS & SONS, 68 AND 70 FRONT ST. W.



No. 196.]

## BILL.

[1890.

### An Act respecting Teachers in Separate Schools.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section 61 of *The Separate Schools Act* is hereby repealed, Rev. Stat., c.  
227, s. 61,  
repealed.  
5 and the following substituted therefor :—

61. The teachers of a separate school under this Act shall Qualifications  
of teachers.  
be subject to the same examinations, and receive their certi-  
ficates of qualification in the same manner as public school  
teachers generally.

10 2. This Act shall go into effect on the first day of January, Commence-  
ment of Act.  
1892.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting Teachers in Separate  
Schools.

First Reading, 5th March, 1890.

MR. CREIGHTON.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 197.]

## BILL.

[1890.

### An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section 34 of *The Assessment Act* is amended by insert-  
ing after the words "sub-section 2" in the second line thereof  
the words "and 3"; and by adding as sub-section 3, the follow-  
ing :—

Rev. stat. c.  
193, s. 34,  
amended.

(3) The assessable personal property for any one year of  
any incorporated insurance company whose head office is not  
in this Province but whose business in this Province is conducted  
at branch offices or agencies shall be the amount actually  
received for premiums on risks effected at such branch or  
agency during the year then last past, less the actual cost of  
management and collection thereof and the sums paid for  
losses during such year at such branch or agency, and the same  
shall be assessed in the locality where such branch or agency  
of such company is situate. And the assessable personal  
property for any one year of any incorporated insurance com-  
pany whose head office is in this Province shall be the sum  
paid during the year then last past as dividends or bonuses to  
shareholders and the same shall be assessed in the munici-  
pality where the head office of such company is situate, and  
the shareholders in such company shall not be liable to assess-  
ment in respect of the dividends received by them and  
assessed as aforesaid against the company.

Assessment of  
branch  
insurance  
offices doing  
business in  
Ontario.

4th Session, 6th Legislature, 53 Vic. 1890.

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BILL.

An Act to amend The Assessment Act.

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First Reading, 6th March, 1890.

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MR. LEYS.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. When any improvement under the provisions of sections 612 to 630, both inclusive, of *The Municipal Act* and amending Acts shall have been undertaken by a municipal corporation and after work thereon has been commenced, the lands or any part thereof to be benefited by such improvement shall become and form part of another municipality by incorporation, annexation or otherwise under the provisions of the said municipal Acts, the council of the corporation in which the said work was commenced shall have full power and authority by themselves, their servants, workmen, and agents, to proceed with such work or works to the completion thereof and for such purposes to enter upon any lands of the new corporation or the inhabitants thereof necessary to enable them to so complete said works, and may take proceedings and pass all by-laws necessary for such purpose and for the issuing and sale of debentures to cover the cost of such improvement or work in the same manner as if the said lands had remained in the municipality in which such improvement or work was commenced. And the debt created by the work shall form a part of the liabilities of the corporation creating the same and shall be taken into account on the settling of the accounts between the municipalities. And this section shall apply to all cases in which such new municipality has prior to the passing thereof been formed.
2. The municipal council of the new municipality shall in each year during the currency of such debentures collect the special rates imposed by such by-law as aforesaid, at the same time as all other taxes of said municipality and the treasurer of such new municipality shall from time to time as directed by resolution of the council of such new municipality invest the sum set aside by said by-law for investment for the purpose of paying said debentures at the maturity thereof.
- Local improvements in territory subsequently annexed to another municipality.
- Council of new municipality to collect rates.



No. 198.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The Municipal Act.

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First Reading, 5th March, 1890.

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MR. SMITH.  
(*Yorke.*)

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TORONTO :  
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 36 of section 496 of *The Municipal Act*, Rev. Stat., c. 184, s. 496, sub-s. 36, amended.

“Provided always that this sub-section shall not apply to vehicles laden with, and *bona fide* in use for conveying farm or garden produce, into any city, town, or incorporated village.”

2. Sub-section 9 of section 612 of the said Act is amended by adding the following proviso:— Rev. Stat., c. 184, s. 612, sub-s. 9, amended.

“Provided always that in cases in which less than one half in number of the owners of real property fronting or abutting on the street or place, where it is proposed to construct a local improvement work and to be benefited thereby, representing more than one half the value of such real property, refuse to sign the petition for such local improvement work, or in cases in which the council does not desire to undertake the construction of any such local improvement work, owing to the amount of real property, exempted from assessment by law, fronting or abutting on the street or place, where it is proposed to construct the same, if the other owners of such property so fronting or abutting on the street or place where it is proposed to construct such local improvement work, who sign the petition for the same, agree therein that the whole cost of the work, except, in the first mentioned cases, that part of the cost to be provided by the council under sub-section 8 of this section, and except, in the cases secondly above mentioned, that part of the cost to be provided by the council under said sub-section except the cost of that part of the work done or made opposite property which is exempt from assessment by law, which last mentioned cost is to be included in the amount assessed and levied, may be assessed and levied upon their respective properties, according to the frontages of the same, it shall be lawful for the said council to proceed to construct the said local improvement work, and to assess and levy the whole cost thereof, except as aforesaid on the properties of the said owners petitioning for the same as aforesaid, according to the frontages of the same, in the manner provided in this Act, and notwithstanding that said petitioning owners are less in number and represent less in value of property than the law now requires: Provided further, that in the case of sewers constructed as local improvement works, the other properties, not exempted from assessment, the owners of which refuse to sign the petition for the work, shall not be allowed to be drained by, or to have the benefit of the sewer, except by leave of the council, and on the payment to the council of the proper sewer rent by the said owners.

Construction of local improvements when petition not signed by owners representing half of the value of property benefited.

No. 199.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 6th March, 1890.

MR. METCALFE,

TORONTO :

PRINTED BY WATSON & SONS, 68 AND 70 FRONT ST. W.

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No. 200.]

## BILL.

[1890.]

### An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 510 of *The Municipal Act* is hereby amended  
5 by adding thereto the following subsection.

Rev. Stat. c.  
184, s. 510,  
amended.

(2) For issuing and regulating licenses to teamsters, carters and draymen, for enforcing payment of such licenses and regulating the charges for the conveyance of goods, or for other services.

No. 200.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 6th March, 1890.

Mr. DAVIS.

TORONTO:

PRINTED BY WARWICK & SON, 68 & 70 FRONT ST. W.



## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 258 of *The Municipal Act* is repealed and the following substituted therefor:— Rev. Stat. c. 184, s. 258, repealed.
- 528—(1) Every county council shall at the first meeting thereof in every year after having been duly organized, appoint two auditors one of whom shall be such person as the warden nominates; but no person who at such time or during the preceding year had directly or indirectly, alone or in conjunction with any other person a share or interest in any contract or employment with or on behalf of the corporation except as auditor shall be appointed and in the event of an auditor so appointed refusing or being unable to act, the warden may nominate another person to act in his stead, subject to approval at the next meeting of the council. Appointment of auditors by county councils.
- (2) The county council shall also at its first meeting appoint one auditor for each local municipality except towns, whose duty it shall be to act in conjunction with one appointed by the council of such local municipality as hereinafter provided to audit the accounts of such municipality whenever directed by the council thereof, and such auditor may continue in office until removed by the council. County council to appoint auditors for local municipalities
- (3) The council of every township and incorporated village shall at its first or subsequent meeting not later than the first day of July in every year, appoint a fit and proper person as auditor to act in conjunction with the one appointed under sub-section 2 of this section who may also remain in office till removed by the council. Appointment of auditors by cities, towns and villages.
2. Sub-section 1 of section 263 of the said Act is amended by striking out the words "31st day of December" in the fourth line of said sub-section, and inserting in lieu thereof the words "30th day of November." Rev. Stat. c. 184 s. 263 and sub-s. 1, amended.
3. Sub-section 2 of section 263 is amended by striking out the words "within one month after their appointment" in the tenth line and inserting in lieu thereof the words, "before the 15th day of November." Rev. Stat. c. 184 s. 263 amended.
4. Section 265 is amended by adding at the end thereof the following words, "and shall provide that ten copies of the detailed statement shall be produced at the nomination for reeves and councillors at the annual meeting." Rev. Stat. c. 184 s. 265 amended.

No. 201.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 6th March, 1890.

MR. FELL.

TORONTO:

PRINTED BY MAWICK & SONS, 68 AND 70 FRONT ST. W.

No. 202.]

## BILL.

[1890.

### An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1     1. Section 585 of *The Municipal Act* is amended by inserting after the word "expedient" in the seventh line thereof, the words, "to cover any portion of said drain," and the following shall be added as sub-section (2) of said section 585. Rev. Stat. c. 184, s. 585, amended.
- 10     (2) When the engineer reports that the covering of any portion of a drain that has been, or which may hereafter be constructed under the provisions of any of the aforesaid Acts, will conduce to the better maintaining and keeping in repair of any such drain, then in such case he shall determine the
- 15 size and capacity of the proposed covered portion of said drain, and also the material to be used in the construction thereof. Covering drains.

No. 202.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 7th March, 1890.

MR MACKENZIE.

TORONTO :

PRINTED BY WARWICK & SONS, 69 AND 70 FRONT ST. W.

No. 203.]

## BILL.

[1890.

### An Act to amend The Municipal Act:

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 3 of section 612 of *The Municipal Act* is  
5 amended by adding thereto the following words “and the  
council is hereby empowered whenever passing any by-law  
under the preceding sub-sections to expressly declare that the  
maintenance and repairs of the works thereby provided for  
shall thereafter until the expiration of a period named, or dur-  
10 ing the existence of such works be provided for by a special  
rate annually imposed upon the same property and funds as  
the by-law imposes the expenses for the construction of such  
work.” Rev. Stat. c.  
184, s. 612, sub-  
s. 3 amended.
2. Sub-section 4 of the said section 612 is amended  
15 by inserting after the word “rate” in the first and second lines  
thereof the words, “or rates” and by inserting in the second  
line after the word “thereof” the following words, “or  
according to the assessed value thereof when only such latter  
system shall have been adopted by a three-fourths vote of the  
20 full council.” Rev. Stat. c.  
184, s. 612  
sub-s. 4  
amended.
3. Sub-section 4 of section 621 of the said Act is hereby  
amended by inserting after the word “purpose” in the ninth  
line thereof, the words “or (when and so long as a special rate  
is imposed thereon for the maintenance or repair of said im-  
25 provements or works), for the maintenance or repair of such  
like works or improvements.” Rev. Stat.  
c. 184 s. 621  
sub-s. 4  
amended.



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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The Municipal Act.

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First Reading, 7th March, 1890.

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MR. BALLANTYNE.

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TORONTO:

PRINTED BY WALKER & SONS, 68 AND 70 FRONT ST. W.

No. 204.]

## BILL.

[1890.]

### An Act to amend The Railway Act of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 38 of *The Railway Act of Ontario* is repealed and the following substituted therefor: Rev. Stat., c. 170, s. 38, sub-s. 1 repealed.

38.—(1) Every shareholder shall be individually liable to the creditors of the company to an amount over and above any amount not paid up on his shares equal to the amount of such shares; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against such shareholder. Liability of shareholders.

2. This Act shall only apply to railway companies which shall be incorporated under *The Railway Act of Ontario*, after the passing of this Act. Application of Act.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The Railway Act of  
Ontario.

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First Reading, 7th March, 1890.

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MR. PHELPS.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 569 of *The Municipal Act* is amended by adding thereto the following as sub-section 11a:—

Rev. Stat. c. 184, sec. 569, amended.

11a. In case of a lot or part of a lot being assessed for the construction or repair of a drain and the same property is afterwards assessed by the engineer, for the construction or repair of another drain, the court of revision shall have the power of transferring and adjusting the assessments from one drain to the other, so that the said property will pay in just and proper proportion.

Adjustment of drainage assessment.

2. Section 569 of the said Act is amended by adding thereto the following as sub-section 12a:—

Rev. Stat. c. 184, s. 569, amended.

12a. When lands in an undivided condition and owned by one party are assessed altogether as one parcel while some portions derive more benefit than other portions, and such lands while the assessment is still upon them are divided up and owned by different individuals or parties, it shall be competent for the court of revision of the municipality when revising the assessment of the municipality, on application made, to divide, separate and adjust the whole assessment against the separate parts in proportion to the benefit received by such parts respectively.

Adjustment of assessment for drainage on divided lands.

3. Section 569 is amended by adding thereto the following as sub-section 22:—

Rev. Stat., c. 184, s. 569, amended.

22. The withdrawal by any person or persons signing a drainage petition of his or their names from such petition shall be conditional, on the payment of all costs incurred by the council pursuant to such petition up to the date of such withdrawal.

Costs where petitioners for drainage withdraw.

4. Sub-section 15 of section 569 of the said Act is amended by striking out all the words in the said sub-section from the beginning down to and inclusive of the words, "persons interested therein," and substituting therefor the following:—

Rev. Stat. c. 184, s. 569, amended.

In case on any such appeal the assessment in respect of the property which is the subject of appeal ought to be varied, the judge shall adjourn the hearing of such appeal to enable the appellant to give four clear days notice to such persons assessed for the work as he may think proper or to persons who should

Notice of appeal from assessment on drainage works.

be assessed and are not, so as to entitle him to have his lands relieved from the over assessment and have the excess distributed over the lands of such persons notified.

Sec. 575  
amended.

5. Section 575 of the said Act is amended by adding thereto the following as sub-section 2 :—

5

Drainage  
works from  
upper to lower  
municipalities.

2. When an upper municipality desires to construct drainage works into or through a lower municipality, along a natural water course, such upper municipality shall give notice in writing to such lower municipality of their intention, or serve upon the lower municipality a copy of the plans and estimates as far as necessary for a proper outlet, and to prevent damages to lands adjoining such water course, and calling upon the lower municipality either to do the work required within its own township or allow the upper township to do the whole work, and in default of action or notice thereof being taken or given by the lower township within 20 days of the service, it shall be lawful for the upper township to undertake and do the work in the lower township without any petition from any parties in the lower township, and to assess the lands benefited in such lower township.

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No. 205.

4th Session. 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 7th March, 1890.

MR. CLANCY.

TORONTO :

PRINTED BY WARWICK & SONS, 63 AND 70 FRONT ST. W.

## An Act to Amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 279 of *The Municipal Act* is amended by inserting Rev. Stat. 184 s. 279 amended after the word "by-laws" in the fourth line thereof the words "rules or regulations."

2. Section 496 of the said Act is amended by adding the following as sub-section 9a: Rev. Stat. c. 184, s. 496 amended.

9a For regulating the construction of cranes, hoists and Erection of hoists and elevators. elevators and determining the manner in which elevators in buildings shall be constructed and worked (whether automatically or otherwise) and for providing for the inspection of all cranes, hoists and elevators.

3. The said Act is amended by inserting the following as Certain municipalities may claim from county councils contribution for construction of bridges. section 533a.

533—(1) Any township or village and any town containing by the last official census a population of four thousand or less which is so situate in respect of rivers or streams as to require for the convenience of the public,

(a) The construction and maintenance by such local municipality of bridges one hundred feet in length or more, requiring (having regard to the other municipalities of the county) greatly disproportionate expenditure by such local municipality, either from the number of bridges or the cost thereof; or.

(b) Which, having reference to the population and assessed value of such local municipality, require for such construction or maintenance excessive or greatly disproportionate burdens upon the ratepayers thereof;

May notify the county council of any or all of the foregoing circumstances and that such municipality claims from the county council contribution of a share or percentage of the cost of construction and maintenance of such bridges one hundred feet in length or more, which the said municipality may construct and maintain after the passing of this Act.

(2) In the event of the councils of the said county and municipality respectively being unable to agree upon the share or percentage which the said county council shall contribute for the purposes aforesaid, or as to the cost or character of any such bridge, the matters in dispute shall be referred to arbitration under the provisions of this Act respecting arbitrations. Reference to arbitration of matters in dispute.

Payment of  
amount  
settled by  
arbitration.

(3) The county council shall pay to such local municipality any sum or sums settled by agreement or fixed by arbitration for the purposes aforesaid.

5

Assumption of  
bridge by  
county council

(4) Or, where such application has been made by a local municipality, the county council may assume any such bridge or bridges, and in such case, in the event of the councils of the county and municipality respectively being unable to agree upon the share or percentage which the local municipality shall contribute towards such construction and maintenance, or as to the character and cost of the bridge or bridges which the county council proposes to construct and maintain, the matters in dispute shall be referred to arbitration under the provisions of this Act respecting arbitrations.

15

Information  
as to character  
of bridges to  
be given by  
municipalities

(5) The county council may require from the local municipality a statement of the kind, character and cost of any bridge or bridges of the kind aforesaid proposed to be erected by the said local municipality, and the plans and specifications thereof; or when the county council has assumed such bridge or bridges, the local municipality shall be entitled to the same information from the county council.

20

Matters to be  
considered by  
arbitrators.

(6) Where the arbitration is upon a claim of a local municipality for contribution by the county, the arbitrators shall amongst other matters take into consideration the population and assessed values of the several municipalities of the county and also the average tax imposed by such municipalities during at least the ten years next preceding that in which the application is made, for the construction and maintenance of such bridges, and the difference during the said ten years between the average tax imposed by the other municipalities and the applying local municipality for the purposes aforesaid. They shall also consider whether the applying local municipality receives any special or particular benefit by reason of the rivers or streams passing through, or the lakes or ponds being situated therein, which the other municipalities of the county do not receive from like or similar causes. Where the county council has assumed the bridges and calls for a contribution from a local municipality, reference shall be had *mutatis mutandis*, and as far as may be practicable to the corresponding facts and circumstances.

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Form of  
award.

(7) The award in either case shall not name the specific sum which the one council shall pay to the other, unless the arbitrating municipalities otherwise agree, but shall determine the share or percentage of the cost of construction or maintenance of such bridge or bridges for which the council may be liable for the ten years after the award including the year in which the award is made, and for as much longer as the two corporations interested may by the submission or by any agreement determine.

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Section not to  
apply to town  
separate from  
a county.

(8) This section shall not apply to any town separated from a county.





No. 206.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to Amend The Municipal Act.

First Reading, 7th March, 1890.

MR. WATSON, S.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Railway Act of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 11 of section 9 of *The Railway Act of Ontario* is hereby repealed. Rev. Stat. c. 170, s. 9, sub-s. 11 repealed.

2. The following sub-sections are hereby added to and shall be read as sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*. Rev. Stat. c. 170 s. 9 amended.

10 (20) The directors of the company, under the authority of the shareholders, to them given at any special general meeting, called for the purpose in the manner provided by the special Act, at which meeting shareholders representing at least two thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary, which  
15 counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding eight per  
20 cent. per annum, as the directors think proper:

Power to issue bonds, debentures and other securities, and to raise money thereon.

(a) The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(b) No such bond, debenture or other security shall be for a less sum than one hundred dollars:

35 (c) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled: but no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work: and the limit to the amount of bonds, debentures or other securities fixed in the special  
40 Act shall not be exceeded.  
45

Mortgages  
securing bonds  
etc.

(21) The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed: but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act and next to the payment of the working expenditure of the railway: 10

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided. 20

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary of which deposit notice shall be given by the company in the *Ontario Gazette*. 25

Bonds, etc.,  
how ranked.

(22) The bonds, debentures or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding sub-section:— 35

(a) Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed. 40

Rights of  
holders of  
bonds, etc.,  
upon default  
in payment.

(23) If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount. 45 50 55

(a) The rights given by this sub-section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares

(b) The exercise of the rights given by this sub-section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

(24) All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Bonds, etc.,  
how payable.

No. 207.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Railway Act of  
Ontario.

First Reading, 7th March, 1890.

MR. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



## An Act to amend The Railway Act of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 11 of section 9 of *The Railway Act of Ontario* is hereby repealed; but every act, matter and thing made, done, effected, contracted or agreed to, and every obligation or liability entered into or incurred under or by reason of any of the provisions contained in said sub-section 11 shall be, remain and continue to all intents and for all purposes as valid, binding, effectual and obligatory as if the said sub-section had not been repealed.

Rev. Stat. c.  
170, s. 9, sub-  
s. 11 repealed.

2. The following sub-sections are hereby added to and shall be read as sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*.

Rev. Stat. c.  
170 s. 9  
amended.

(20) The directors of the company, under the authority of the shareholders, to them given at any special general meeting, called for the purpose in the manner provided by the special Act, at which meeting shareholders representing at least two thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding eight per cent. per annum, as the directors think proper:

Power to issue  
bonds, debentures and other  
securities, and  
to raise money  
thereon.

(a) The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(b) No such bond, debenture or other security shall be for a less sum than one hundred dollars:

(c) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds constituting such issue being with-

drawn or paid off and duly cancelled: but no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work, and the limit to the amount of bonds, debentures or other securities fixed in the special Act shall not be exceeded.

Mortgages  
securing bonds  
etc.

(21) The company may secure such bonds, debentures, or other securities by a mortgage deed or deeds, such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed: but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act and next to the payment of the working expenditure of the railway:

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary of which deposit notice shall be given by the company in the *Ontario Gazette*.

Bonds, etc.,  
how ranked.

(22) The bonds, debentures or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding sub-section:—

(a) Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Rights of  
holders of  
bonds, etc.,  
upon default  
in payment.

(23) If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected

directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(a) The rights given by this sub-section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares

(b) The exercise of the rights given by this sub-section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

(24) All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares. Bonds, etc.,  
how payable.

No. 207.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend The Railway Act of  
Ontario.

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First Reading,	7th March, 1890.
Second     "	13th     "     1890.

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*(Reprinted as amended by Committee of  
the Whole House.)*

MR. FRASER.

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TORONTO:  
PRINTED BY WARWICK & SONS, 65 AND 70 FRONT ST. W.

No. 208.]

## BILL.

[1890.

### An Act to amend The Partition Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Section 68 of *The Partition Act* is amended by adding  
5 the following sub-section thereto:—

Rev. Stat. c.  
104, s. 68.

(2) In any case where, in the opinion of the inspector of legal offices, such publication is an unnecessary expense, or the expenses would not be justified by reason of the fund or  
10 estate being small, the real representative, clerk or other officer aforesaid, upon obtaining the direction of said inspector, may dispense with the publication above provided for upon such terms as said inspector may direct.

Dispensing  
with publica-  
tion of account  
of unclaimed  
moneys.



No. 208.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Partition Act.

First Reading, 7th March, 1890.

MR. BENCH.

TORONTO:

PRINTED BY WALKER & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The      unicipal Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Sub-section 1 of section 531 of *The Municipal Act* is  
5 amended by striking out all the words after the word "the"  
in the sixth line, and inserting in lieu thereof the following:  
"but all such claims for damages shall be filed with the clerk  
of the municipality within three months after the damages have  
been sustained, and if not mutually agreed upon between the  
10 council of the municipality and the person claiming such  
damages, the matter in dispute shall be referred to arbitration  
under the provisions of this Act."

Rev. Stat. c.  
184, s. 531 sub-  
s. 1 amended.

2. Sub-section 3 of section 531 of the said Act is amended  
by striking out all the words after the word "default," in the  
15 eighth line, and inserting in lieu thereof the following: "but  
all such claims for damages must be presented to the council  
of the municipality within three months after the damages  
have been sustained."

Rev. Stat. c.  
184, s. 531 sub-  
s. 3 amended.

3. Sub-section 4 of section 531 of the said Act is amended  
20 by striking out the following words in the first line, "an  
action is brought," and inserting in lieu thereof the following,  
"any claim for damages is made," and by striking out all the  
words after the word "over" in the twenty-third line of said  
sub-section, and inserting in lieu thereof the following, "and  
25 the arbitrators, in making their award, may order costs to be  
paid by or to any of the parties thereto, or in respect of any  
claim set up therein, as in other cases."

Rev. Stat. c.  
184, s. 531 sub-  
s. 4 amended.

BILL

An Act to amend The Municipal Act.

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First Reading, 11th March, 1890.

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Mr. GRAHAM.

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TORONTO:

PRINTED BY WAHWICK & SONS, 68 AND 70 FRONT ST. W.

No. 210.]

## BILL.

[1890.

### An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 3 of section 68 of *The Assessment Act* is amended by adding thereto the following: "and shall fix the place for holding such court within the municipality from the court of revision of which such appeal is made, or at the place nearest thereto where the sittings of the division court within his jurisdiction are held."

Rev. Stat. c.  
193, s. 68 sub-s.  
3 amended.  
Places for  
hearing ap-  
peals from  
courts of  
revision.

No. 210.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Assessment Act.

First Reading, 11th March, 1890.

MR. DACK.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to amend The Free Grants and Homesteads Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5 1. No township in any part of the tract or territory mentioned in section 4 of the *Free Grants and Homesteads Act*, shall hereafter be set apart as a free grant township, unless and until an order in Council appropriating the lands therein for free grants to actual settlers, has been approved of by the Legislative Assembly. Setting apart free grant township.
- 10 2. Sections 11 and 12 of the said Act are repealed. Rev. Stat., c. 25 ss. 11 and 12, repealed.
3. Section 14 of the said Act is amended by striking out all the words from the word "notwithstanding," in the seventh line of the said section to the word "issued" in the eighth line of the said section. Rev. Stat. c. 25, s. 14 amended.
4. All trees remaining on the land at the time the patent issues, shall become the property of the patentee. Trees to be the property of the patentee.

No. 211.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Free Grants and  
Homesteads Act.

First Reading, 11th March, 1890.

MR. FELL.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

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No. 212.]

BILL.

[1890.

An Act to amend the Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Sub-section 2 of section 8 of *The Ditches and Water-* Rev. Stat. c.  
5 *courses Act* is repealed. 220, sec. 2.  
repealed.

No. 212.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The Ditches and Water-  
courses Act.

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First Reading, 11th March, 1890.

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Mr. CLANCY.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to provide means of Extinguishing Forest Fires.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows : —

1. The county council of each county may provide by by-  
 5 law that fire guardians, fenceviewers, overseers of highway or  
 pathmasters, appointed by township councils, whenever the  
 woods or prairies in any township are on fire, so as to endanger  
 property, shall order as many of the inhabitants of such town-  
 ship liable to work on the highways and residing in the  
 10 vicinity of the place where such fire shall be as they shall  
 severally deem necessary, to repair to the place where such  
 fire prevails, and there to assist in extinguishing the same, or  
 in stopping its progress. (Ohio Revised Statutes, s. 4,750,  
 Howell's Michigan Statutes, s. 9,403. (R.S.O., c. 197, s. 5 ; 52  
 15 Vic., ch. 46).

Persons liable  
 for statute  
 labour may be  
 called upon to  
 work to  
 extinguish  
 forest fire.

2. Such fire guardians, fenceviewers, overseers of high-  
 way or pathmasters, may give to such persons as may  
 be employed by them respectively in so doing, certifi-  
 20 cates of having performed statute labour to the amount  
 of the days work done, and such work shall be allowed  
 for to such persons in their next season's statute labour,  
 or if such person is not liable to perform statute labour,  
 he shall be entitled to be paid such amount of the cer-  
 tificate by the township treasurer, and such county council  
 25 may also provide for the application by such township council  
 of so much of the commutation of statute labour fund as may  
 be required for assisting to extinguish or stop the progress of  
 such fires within their respective municipalities. (R. S. O. c.  
 197, s. 5).

Work done to  
 be allowed for  
 as statute  
 labour.

3. In the event of a township council neglecting to provide  
 for the application by such township council of so much of the  
 commutations of statute labour fund, or payment of amount as  
 may be required in the next preceding section of this Act, the  
 county council shall be entitled to do so, and to pay the  
 35 amount of the said certificates, and to impose upon the town-  
 ship so in default a rate sufficient for that purpose, and such  
 rate shall be levied and collected in the manner provided by  
*The Assessment Act* as to the collection of county rates.  
 (R. S. O. c. 197, s. 6).

Upon default  
 of townships,  
 county  
 may provide  
 for payment  
 of work.

4. Any person who is liable to perform statute labour and  
 40 refuses or neglects to turn out and work under any fire guardian,  
 fenceviewer, overseer of highway or pathmaster, who warns him  
 out for that purpose under the authority of this Act, shall be  
 liable to a fine not exceeding \$20 nor less than \$1, over and  
 45 above costs, and in case of non-payment, to imprisonment for  
 a term not exceeding twenty-one days. (R. S. O. c. 197, s. 7).

Penalty for  
 refusing to  
 assist in extin-  
 guishing fires.



No. 213.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to provide means of Extinguishing  
Forest Fires.

First Reading, 11th March, 1890.

Mr. DRURY,

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

## An Act to provide means of Extinguishing Forest Fires.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. (1) The county council of each county may provide by by-law that fire guardians, fenceviewers, overseers of highway or pathmasters, appointed by township councils, whenever the woods or prairies in any township are on fire, so as to endanger property, shall order as many of the inhabitants of such township liable to work on the highways and residing in the vicinity of the place where such fire shall be as they shall severally deem necessary, to repair to the place where such fire prevails, and there to assist in extinguishing the same, or in stopping its progress. (Ohio Revised Statutes, s. 4,750, Howell's Michigan Statutes, s. 9,403. (R.S.O., c. 197, s. 5 ; 52 Vic, ch. 46).

Persons liable for statute labour may be called upon to work to extinguish forest fire

(2) In portions of the Province where there are no county councils the council of any township may pass the by-law mentioned in the foregoing section.

2. Such fire guardians, fenceviewers, overseers of highway or pathmasters, may give to such persons as may be employed by them respectively in so doing, certificates of having performed statute labour to the amount of the days work done, and such work shall be allowed for to such persons in their next season's statute labour, or if such persons are not liable to perform statute labour, the council may direct that such work shall be paid for out of the funds of the municipality, and they shall be entitled to be paid the amount of such certificates by the township treasurer, and such county council may also provide for the application by such township council of so much of the commutation of statute labour fund as may be required for assisting to extinguish or stop the progress of such fires within their respective municipalities. (R. S. O. c. 197, s. 5).

Work done to be allowed for as statute labour.

3. In the event of a township council neglecting to provide for the application by such township council of so much of the commutations of statute labour fund, or payment of amount as may be required in the next preceding section of this Act, the county council shall be entitled to do so, and to pay the amount of the said certificates, and to impose upon the township so in default a rate sufficient for that purpose, and such rate shall be levied and collected in the manner provided by *The Assessment Act* as to the collection of county rates. (R. S. O. c. 197, s. 6).

Upon default of townships, county may provide for payment of work.

Penalty for  
refusing to  
assist in extin-  
guishing fires.

4. Any person who is liable to perform statute labour and refuses or neglects to turn out and work under any fire guardian, fenceviewer, overseer of highway or pathmaster, who warns him out for that purpose under the authority of this Act, shall be liable to a fine not exceeding \$20 nor less than \$1, over and above costs, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days. (R. S. O. c. 197, s. 7).



No. 213.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to provide means of Extinguishing  
Forest Fires.

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First Reading,	11th March,	1890.
Second	" 18th	" 1890.

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*(Reprinted as amended by Committee of  
Whole House.)*

MR. DRURY.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act with respect to Fines and Costs on Summary  
Convictions.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. In all cases of summary conviction, or of orders made  
by a justice of the peace, police magistrate or stipendiary  
magistrate, under *The Act respecting Summary Convictions*  
*before Justices of the Peace, and appeals to General Sessions*,  
whereby any sum is adjudged to be paid by the conviction or  
order of such justice, police or stipendiary magistrate, he  
may do all or any of the following things namely

Collection of  
penalties im-  
posed upon  
summary  
convictions.

(1) Allow time for the payment of the said sum ; and.

(2) Direct payment to be made of the said sum by instal-  
ments.

(3) Direct that the person liable to pay the said sum shall  
be at liberty to give to the satisfaction of the convicting  
justice, police, or stipendiary magistrate, or such person as  
may be specified by the convicting justice, police or stipen-  
diary magistrate, security, with or without a surety or sure-  
ties for the payment of the said sum, or of any instalment  
thereof, and any sum which may become due in pursuance of  
a security under this Act from a surety shall be recoverable by  
action in any Division Court having jurisdiction in the locality,  
by a constable or by some other person authorized for that  
purpose by the convicting justice, police or stipendiary mag-  
istrate. (Imp. 42 and 43, V. c. 49, s. 7; *id.*, sec. 23 (2).)

2. Where a sum is directed to be paid by instalments, and  
default is made in the payment of any one instalment, the same  
proceedings may be taken as if default had been made in  
payment of all the instalments then remaining unpaid.

Procedure  
where default  
made in in-  
stalments.

3. A justice of the peace, police or stipendiary magistrate  
directing the payment of a sum or of an instalment of a sum  
may direct such payment to be made at such time or times,  
and in such place or places, and to such person or  
persons, as may be specified by the justice, police or stipen-  
diary magistrate ; and every person to whom any such sum  
or instalment is paid shall, as soon as may be account  
for and pay over the same as by the conviction or order the  
principal fine or penalty is adjudged to be paid. (Sinden vs.  
Brown, Court of Appeal, 4th March, 1890.)

Persons re-  
ceiving pen-  
alties to ac-  
count for and  
pay oversame.

Costs.

4. The sums allowed for costs as provided by *The Act respecting Summary Convictions before Justices of the Peace and appeals to General Sessions*, section 2, sub-section (3) shall be specified in the conviction or order, or order of dismissal, and shall be recoverable in the same manner and under the same warrants 5 as a penalty adjudged to be paid by the conviction or order is to be recovered, and such costs shall extend to and be deemed to include costs and charges of the distress and also the costs and charges of the commitment, and conveying the defendant, or the prosecutor, or the complainant, as the case may be, to 10 prison, the amount thereof being ascertained and stated in such commitment; and this Act is substituted for the said sub-section. (R.S.O., c. 74; R.S.C., c. 178, s. 66; *ib.* Form No. 5; Reg. *vs.* Grant, 18 Ont., 169; Reg. *vs.* Lennan, 44 Q.B., 456, Reg. *vs.* Wright, 14 Ont., 668; Moffatt *vs.* Barnett, 24 U.C. Q.B. 15 498; Crabb *vs.* Dickson, 24, *ib.* 494.)



No. 214.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act with respect to Fines and Costs on  
Summary Convictions.

First Reading, 12th March, 1890.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY MANNICK & SONS, 66 AND 70 FRONT ST. W.

An Act with respect to Fines and Costs on Summary  
Convictions.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. In all cases of summary conviction, or of orders made by a justice of the peace, police magistrate or stipendiary magistrate, whereby any sum is adjudged to be paid by the conviction or order of such justice, police or stipendiary magistrate, he may do all or any of the following things namely.

Collection of  
penalties im-  
posed upon  
summary  
convictions.

(1) Allow time for the payment of the said sum ; and.

(2) Direct or receive payment of the said sum by instalments.

(3) Direct that the person liable to pay the said sum shall be at liberty to give to the satisfaction of the convicting justice, police, or stipendiary magistrate, or such person as may be specified by the convicting justice, police or stipendiary magistrate, security, with or without a surety or sureties for the payment of the said sum, or of any instalment thereof, and any sum which may become due in pursuance of a security under this Act from a surety shall be recoverable by action in any Division Court having jurisdiction in the locality, by a constable or by some other person authorized for that purpose by the convicting justice, police or stipendiary magistrate. (Imp. 42 and 43, V. c. 49, s. 7; *id.*, sec. 23 (2).)

2. Where a sum is directed to be paid by instalments, and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid.

Procedure  
where default  
made in in-  
stalments.

3. A justice of the peace, police or stipendiary magistrate directing the payment of a sum or of an instalment of a sum may direct such payment to be made at such time or times, and in such place or places, and to such person or persons, as may be specified by the justice, police or stipendiary magistrate ; and every person to whom any such sum or instalment is paid shall, as soon as may be account for and pay over the same as by the conviction or order the principal fine or penalty is adjudged to be paid. (Sinden vs. Brown, Court of Appeal, 4th March, 1890.)


Persons re-  
ceiving pen-  
alties to ac-  
count for and  
pay over same.



Costs.

4. The sums allowed for costs as provided by *The Act respecting Summary Convictions before Justices of the Peace and appeals to General Sessions*, section 2, sub-section 3 shall be specified in the conviction or order, or order of dismissal, and shall be recoverable in the same manner and under the same warrants as a penalty adjudged to be paid by the conviction or order is to be recovered, and such costs shall extend to and be deemed to include costs and charges of the distress and also the costs and charges of the commitment, and conveying the defendant, or the prosecutor, or the complainant, as the case may be, to prison, the amount thereof being ascertained and stated in such commitment; and this Act is substituted for the said sub-section. (R.S.O., c. 74; R.S.C., c. 178, s. 66; *ib.* Form No. 5; *Reg. vs. Grant*, 18 Ont., 169; *Reg. vs. Lennan*, 44 Q.B., 456, *Reg. vs. Wright*, 14 Ont., 668; *Moffatt vs. Barnett*, 24 U.C. Q.B., 498; *Crabb vs. Dickson*, 24, *ib.* 494.)

Provisions as to costs to extend to convictions under Rev. Stat. c. 184.

5. The provisions for costs and the recovery thereof in the foregoing section shall extend to proceedings on convictions or orders, under the authority of *The Municipal Act* or of by-laws of municipal councils passed thereunder, or where recovery and enforcement of penalties is given in the manner and to the extent of such *Municipal Act*, or of such by-laws; and shall extend to by-laws heretofore passed as well as to future by-laws; but shall not apply to any application heretofore made to quash a conviction. R.S.O., c. 184, ss. 420, 427, 478, sub-secs. 17, 18, 19; R.S.O., c. 194, s. 98. 



4th Session, 6th Legislature 53 Vic., 1890

BILL.

An Act with respect to Fines and Costs on  
Summary Convictions.

First Reading, 12th March, 1890.  
Second " 20th " 1890.

*(Reprinted as amended by Committee of  
Whole House)*



THE ATTORNEY-GENERAL.

TORONTO:



PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.



An Act with respect to Fines and Costs on Summary Convictions.


HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case of summary conviction, or of an order made by a justice of the peace, police magistrate or stipendiary magistrate, whereby any *fine, penalty, or costs is or are* adjudged to be paid by the conviction or order of such justice, police or stipendiary magistrate,  the conviction or order shall not be void because of time having been allowed for the payment of the sum, or any part thereof, or because of payment having been received of part of the sum or sums adjudged to be paid; or because of the convicting justice, police, or stipendiary magistrate having accepted security for the payment of any such sum, or of any part thereof. 

Collection of penalties imposed upon summary convictions.

 But nothing herein contained shall authorize any justice of the peace, police magistrate or stipendiary magistrate to allow payment by instalments or to give time for payment of such fine, penalty or costs in any case in which he has not heretofore had such authority. 

2. The sums allowed for costs as provided by *The Act respecting Summary Convictions before Justices of the Peace and appeals to General Sessions*, section 2, sub-section 3 shall be specified in the conviction or order, or order of dismissal,  and shall be entered by police and stipendiary magistrates in a separate column or the column for observations in the book required to be kept under the Revised Statute of Ontario respecting returns of convictions by stipendiary and police magistrates; (R.S.O. c. 77, s. 1)  and shall be recoverable in the same manner and under the same warrants as a penalty adjudged to be paid by the conviction or order is to be recovered, and such costs shall extend to and be deemed to include costs and charges of the distress and also the costs and charges of the commitment, and conveying the defendant, or the prosecutor, or the complainant, as the case may be, to prison, the amount thereof being ascertained and stated in such commitment; and this Act is substituted for the said sub-section. (R.S.O., c. 74; R.S.C., c. 178, s. 66; *ib.* Form No. 5; *Reg. vs. Grant*, 18 Ont., 169; *Reg. vs. Lennan*, 44 Q.B., 456, *Reg. vs. Wright*, 14 Ont., 668; *Moffatt vs. Barnett*, 24 U.C. Q.B., 498; *Crabb vs. Dickson*, 24, *ib.* 494.)

3. The provisions for costs and the recovery thereof in the foregoing section shall extend to proceedings on conviction. 

Provisions as to costs to extend to conviction.

tions under  
Rev. Stat.  
c. 184.

tions or orders, under the authority of *The Municipal Act* or of by-laws of municipal councils passed thereunder, or where recovery and enforcement of penalties is given in the manner and to the extent of such *Municipal Act*, or of such by-laws; and shall extend to by-laws heretofore passed as well as to future by-laws; but shall not apply to any application heretofore made to quash a conviction. R.S.O., c. 184, ss. 420, 427, 478, sub-secs. 17, 18, 19; R.S.O., c. 194, s. 98.





4th Session, 6th Legislature. 53 Vic., 1890

BILL.

An Act with respect to Fines and Costs on  
Summary Convictions.

First Reading,	12th March, 1890.
Second     "     20th     "     1890.	

*(Reprinted as again amended by Committee  
of the Whole House.)*

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 68 & 70 FRONT ST. W.

No 215.]

## BILL.

[1890.]

An Act to amend the Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 31 of chapter 185 of the Revised Statutes of Rev. Stat., c.  
5 Ontario is amended by striking out the words "District of <sup>185, s. 31</sup>  
Rainy River" in the second and third lines thereof, and sub-  
stituting therefor the words "Districts of Rainy River and  
Thunder Bay."

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4th Session, 6th Legislature, 53 Vic. 1890

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BILL.

An Act to amend the Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Pary Sound, Nipissing, Thunder Bay and Rainy River.

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First Reading, 12th March, 1890.

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Mr. CONNIE.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting Contracts of Life Insurance.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of chapter 136 of the Revised Statutes of Ontario, 1887 (hereinafter called "The Principal Act") is amended by inserting after the word "insurance" in the second line, the words "in writing." Rev. Stat., c. 136, s. 1, amended.

2. Section 5 of the principal Act is amended by striking out the word "married" in the first line (Imp. Act 45 and 46 Vic. c. 75, s. 11); and by adding to the section the following sub-section:— Rev. Stat., c. 136, s. 5, amended.

(2) "In the case of a policy or written contract of life insurance effected before marriage, a declaration under this section shall be, and shall be deemed to have been as valid and effectual as if such policy or contract had been effected after marriage, but nothing herein contained shall affect any action or proceeding now pending."

[Toronto General Trusts Coy. v. Sewell, 17 O. R., 422.]

3. (1) When a contract of life insurance is effected by an unmarried man, for the benefit of his future wife, or future wife and children, but the contract does not designate by name, or otherwise clearly ascertain a specific person as such intended wife, the contract (not being within the intent of sub-sections 2 or 3 hereof,) shall be construed as provided in section 7 of principal Act. Insurance for benefit of future wife.

(2) When a contract of life insurance is effected as in sub-section 1, but at the time of maturity of the contract, the insured is still unmarried, or is a widower without issue, the insurance money shall fall into, and become part of the estate of the insured.

(3) When a contract of life insurance is effected by an unmarried man, for the benefit of his future wife, or future wife and children, and the intended wife is designated by name, or is otherwise clearly ascertained in the contract of life insurance, but the intended marriage does not take place, such contract shall not be deemed a trust within the intent of the principal Act.

4.—(1) A policy or written contract of life insurance effected by any woman on her own life, and expressed to be for the benefit of her husband and children, or any of them, shall A woman may insure her life for benefit of husband and children.



be deemed a trust in favor of the objects therein named, and the moneys payable under such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the deceased, or be subject to her debts.

[This has been law in England since 1882. See Imp. Act 5 45 and 46 Vic. c. 75, s. 11.]

Such insurance to follow the law of insurance for wife and children.

(2) Whatever under the principal Act a man may lawfully do in respect of insurance effected upon his life, may also under the like circumstances be done by a woman in respect of insurance effected upon her life; and the like rules of construction shall prevail. 10

Life insurance for benefit of mother.

5. Any person, either by the original contract of life insurance, or by indorsement thereon or otherwise, as provided in section 6 of the principal Act, may make his or her mother a beneficiary, or the sole beneficiary, under the 15 contract, and may, as in the said section provided, vary the apportionment; and such contract shall create a trust in favor of the mother accordingly; and the moneys payable to the mother under any such contract shall not, so long as the trust remains unperformed, form part of the estate of the insured or 20 be subject to his or her debts.

Insurance moneys to be a trust for the mother.

Rev. Stat., c. 136, s. 6, sub-s. 1, amended.

6. Section 6, sub-section 1 of the principal Act is further amended by inserting before the word "extend" in the fourth line thereof the words "restrict or" and by inserting after the word "wife" in the same line the word "alone." 25

51 V., c. 22, s. 4, amended.

7. Section 4 of the said Chapter 22, passed in the 51st year of Her Majesty's reign, is amended by inserting the words "variation or" after the word "of" in the third line of the said section.

Rev. Stat., c. 172, s. 1, amended.

8. Section 1 of chapter 172 of The Revised Statutes of Ontario, 1887, is amended by adding thereto this proviso:—

Proviso.

"Provided that no company, society, association or organization incorporated under this Act, after the tenth day of March, 1890, shall have authority to undertake or effect for valuable consideration, or to agree or offer so to undertake or 35 effect any contract of insurance, indemnity or guarantee whatsoever, with the members of the corporation or with others, or any contract within the intent of *The Ontario Insurance Act*, or of chapter 136 of these Revised Statutes; and the expression 'offer to undertake contracts' shall have the same meaning as 40 in *The Ontario Insurance Act*; and any person contravening this section shall be liable to the penalty imposed by section 56 of *The Ontario Insurance Act*, which penalty shall be enforced and applied as in the said 56th section enacted.

"Provided also that no company, society, association or organization, incorporated under this Act on or before the said tenth day of March, and not authorized by its original certificate or declaration of incorporation to undertake such contracts as aforesaid, shall by virtue of section 19 of this Act or otherwise have authority to change the purposes of the 50 corporation so as to include the undertaking of such contracts as aforesaid.

[See *Swift v. Provincial Provident Institution*, as decided in C. A., January, 1890.]

9.—(1) If after a reasonable time has been given to the corporation to be heard, it appears to the Lieutenant-Governor in Council that any body incorporated under the provisions of *The Act respecting Benevolent, Provident and other Societies* is using its corporate powers for any fraudulent or other unlawful purpose, it shall be lawful for the Lieutenant-Governor in Council to suspend for a limited period, or to revoke the said corporate powers, and on any revocation the corporate powers shall *ipso facto* absolutely cease and determine, except for the sole purpose of winding up the affairs of the corporation; and the High Court upon the petition of the Attorney-General or of any person interested, may by judgment or order limit the time within which the corporation shall settle and close its accounts, and may for this specific purpose, or for the purpose of liquidation generally, appoint a receiver.

Unlawful use  
of corporate  
powers.

Suspension or  
revocation of  
powers.

(2) Notice of any suspension or revocation of corporate powers as aforesaid shall be given in the *Ontario Gazette*, and in such public newspapers as the Lieutenant-Governor in Council shall determine.

Public notice.

10—(1). If during the suspension, or after the revocation of its corporate powers, any director, officer, agent, employee or other person acting, or purporting to act, in behalf of the body theretofore incorporated, undertakes or effects for valuable consideration, or agrees or offers so to undertake or effect any contract of insurance, indemnity or guarantee whatsoever, whether with the members of the corporation or with others, or any contract within the intent of *The Ontario Insurance Act*, or of chapter 136 of the Revised Statutes of Ontario, 1887, such person shall be liable to the penalty imposed by section 56 of *The Ontario Insurance Act*, which penalty shall be enforced and applied as in the said 56th section enacted; and the expression "offer to undertake contracts" shall have the same meaning as in *The Ontario Insurance Act*.

Penalty for  
transacting  
business dur-  
ing suspension  
or after revo-  
cation of  
powers.

(2). Upon a second or subsequent conviction during a period of suspension, or after revocation of the corporate powers, the offender shall be liable to imprisonment with or without hard labor in any gaol or prison of the Province for a period not exceeding six months, in the discretion of the court wherein he is convicted.

Second or  
subsequent  
conviction.

11. The Act passed in the fifty-first year of Her Majesty's reign, and chaptered 22 shall not be held to relieve from the obligation of being licensed, nor to relieve from the consequences of transacting business while unlicensed, any corporation which before the passing of the said Act was required by *The Ontario Insurance Act* to be licensed, before undertaking any contract within the intent of *The Ontario Insurance Act*.

Construction  
of 51 Vic., c.  
22.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting Contracts of Life Insurance.

First Reading, 12th March, 1890.

(Private Bill.)

Mr. GIBSON,  
(*Hamilton*).

TORONTO:

PRINTED BY WATKINS & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting Contracts of Life Insurance.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1). Section 1 of chapter 136 of the Revised Statutes of Ontario, 1887 (hereinafter called “The Principal Act”) is amended by inserting after the word “insurance” in the second line, the words “in writing.” Rev. Stat., c. 136, s. 1, amended.

☞(2) In the principal Act and in this Act “maturity of the policy” or “maturity of the contract” means the happening of the event or the expiration of the term at which the benefit under the policy or contract accrues due. ☞ “Maturing policy,” meaning of.

2. Section 5 of the principal Act is amended by striking out the word “married” in the first line (Imp. Act 45 and 46 Vic. c. 75, s. 11); and by adding to the section the following sub-section:— Rev. Stat., c. 136, s. 5, amended.

(2) “In the case of a policy or written contract of life insurance effected before marriage, a declaration under this section shall be, and shall be deemed to have been as valid and effectual as if such policy or contract had been effected after marriage, but nothing herein contained shall affect any action or proceeding now pending.”

[Toronto General Trusts Coy. v. Sewell, 17 O. R., 422.]

3. (1) When a contract of life insurance is effected by an unmarried man, for the benefit of his future wife, or future wife and children, but the contract does not designate by name, or otherwise clearly ascertain a specific person as such intended wife, the contract (not being within the intent of sub-sections 2 or 3 hereof,) shall be construed as provided in section 7 of the Principal Act. Insurance for benefit of future wife.

(2) When a contract of life insurance is effected as in sub-section 1, but at the maturity of the contract, the insured is still unmarried, or is a widower without issue, the insurance money shall fall into, and become part of the estate of the insured.

(3) When a contract of life insurance is effected by an unmarried man, for the benefit of his future wife, or future wife and children, and the intended wife is designated by name, or is otherwise clearly ascertained in the contract of life insurance, but the intended marriage does not take place, ☞ all questions arising on such contract shall be determined as if this Act had not been passed. ☞



1. (1) A policy or written contract of life insurance effected by any woman on her own life, and expressed to be for the benefit of her husband and children, or any of them, shall be deemed a trust in favor of the objects therein named, and the moneys payable under such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the deceased, or be subject to her debts.

[This has been law in England since 1882. See Imp. Act 45 and 46 Vic. c. 75, s. 11.]

Such insurance to follow the law of insurance for wife and children.

(2) Whatever under the principal Act a man may lawfully do in respect of insurance effected upon his life, may also under the like circumstances be done by a woman in respect of insurance effected upon her life; and the like rules of construction shall prevail.

Life insurance for benefit of mother.

5. Any person, either by the original contract of life insurance, or by indorsement thereon or otherwise, as provided in section 6 of the principal Act, may make his or her mother a beneficiary, or the sole beneficiary, under the contract, and may, as in the said section provided, vary the apportionment; and such contract shall create a trust in favor of the mother accordingly; and the moneys payable to the mother under any such contract shall not, so long as the trust remains unperformed, form part of the estate of the insured or be subject to his or her debts.

Insurance moneys to be a trust for the mother.

Rev. Stat., c. 136, s. 6, sub-s. 1, amended.

6. Sub-section 1 of section 6 of the Principal Act as amended by section 3 of chapter 22 of the Acts passed in the 51st year of Her Majesty's reign is hereby amended by striking out all the words down to and including the word "alone" in the seventh line thereof and substituting therefor the following:—

"The insured may by an instrument in writing attached to or indorsed on, or identifying the policy by its number or otherwise, vary a policy or a declaration or an apportionment previously made so as to restrict or extend, transfer or limit the benefits of the policy to the wife alone or the children, or to one or more of them, although the policy is expressed or declared to be for the benefit of the wife and children or of the wife alone, or for the child or children alone, or for the benefit of the wife, and in case of her death during the life of the insured then for the child or children or any of them."

Rev. Stat. c. 136, s. 25, amended.

7. Section 25 of the Principal Act is hereby amended by inserting after the word "where" in the first line thereof the words "any policy of insurance or," and by inserting after the words "attach to" in the said first line thereof the words "or identifying by its number or otherwise."

Section to be retrospective.

(2). This section shall apply to policies heretofore issued, as well as to future policies.

Rev. Stat., c. 172, s. 1,

8. Section 1 of chapter 172 of The Revised Statutes of Ontario, 1887, is amended by adding thereto this proviso:—

Provided,

"Provided that no company, society, association or organization incorporated under this Act, after the tenth day of March, 1890, shall have authority to undertake or effect for valuable consideration, or to agree or offer so to undertake or



effect any contract of insurance, indemnity or guarantee whatsoever, with the members of the corporation or with others, or any contract within the intent of *The Ontario Insurance Act*, or of chapter 136 of these Revised Statutes; and the expression 'offer to undertake contracts' shall have the same meaning as in *The Ontario Insurance Act*; and any person contravening this section shall be liable to the penalty imposed by section 56 of *The Ontario Insurance Act*, which penalty shall be enforced and applied as in the said 56th section enacted.

"Provided also that no company, society, association or organization, incorporated under this Act on or before the said tenth day of March, and not authorized by its original certificate or declaration of incorporation to undertake such contracts as aforesaid, shall by virtue of section 19 of this Act or otherwise have authority to change the purposes of the corporation so as to include the undertaking of such contracts as aforesaid.

[See *Swift v. Provincial Provident Institution*, as decided in C. A., January, 1890.]

9.—(1) If after a reasonable time has been given to the corporation to be heard, it appears to the Lieutenant-Governor in Council that any body incorporated under the provisions of *The Act respecting Benevolent, Provident and other Societies* is using its corporate powers for any fraudulent or other unlawful purpose, it shall be lawful for the Lieutenant-Governor in Council to suspend for a limited period, or to revoke the said corporate powers, and on any revocation the corporate powers shall *ipso facto* absolutely cease and determine, except for the sole purpose of winding up the affairs of the corporation; and the High Court upon the petition of the Attorney-General or of any person interested, may by judgment or order limit the time within which the corporation shall settle and close its accounts, and may for this specific purpose, or for the purpose of liquidation generally, appoint a receiver.

(2) Notice of any suspension or revocation of corporate powers as aforesaid shall be given in the *Ontario Gazette*, and in such public newspapers as the Lieutenant-Governor in Council shall determine.

10.—(1). If during the suspension, or after the revocation of its corporate powers, any director, officer, agent, employee or other person acting, or purporting to act, in behalf of the body theretofore incorporated, undertakes or effects for valuable consideration, or agrees or offers so to undertake or effect any contract of insurance, indemnity or guarantee whatsoever, whether with the members of the corporation or with others, or any contract within the intent of *The Ontario Insurance Act*, or of chapter 136 of the Revised Statutes of Ontario, 1887, such person shall be liable to the penalty imposed by section 56 of *The Ontario Insurance Act*, which penalty shall be enforced and applied as in the said 56th section enacted; and the expression "offer to undertake contracts" shall have the same meaning as in *The Ontario Insurance Act*.

Unlawful use  
of corporate  
powers.

Suspension or  
revocation of  
powers. \*

Public notice.

Penalty for  
transacting  
business dur-  
ing suspension  
or after revo-  
cation of  
powers.

Second or  
subsequent  
conviction.

2). Upon a second or subsequent conviction during a period of suspension, or after revocation of the corporate powers, the offender shall be liable to imprisonment with or without hard labor in any gaol or prison of the Province for a period not exceeding six months, in the discretion of the court wherein he is convicted.

Who may take  
depositions  
under Act.

**11.** For the purposes of the next preceding three sections, depositions may be taken and made before any justice of the peace, notary, public, or commissioner in the High Court for taking affidavits.

Construction  
of 51 Vic., c.  
22.

**12.** The Act passed in the fifty-first year of Her Majesty's reign, and chaptered 22 shall not be held to relieve from the obligation of being licensed, nor to relieve from the consequences of transacting business while unlicensed, any corporation which before the passing of the said Act was required by *The Ontario Insurance Act* to be licensed, before undertaking any contract within the intent of *The Ontario Insurance Act*.



No. 216.

4th Session, 6th Legislature, 53 Vic., 1890

BILL.

An Act respecting Contracts of Life Insurance.

First Reading,	12th March, 1890.
Second     "	18th     "     1890.

*Reprinted as amended by Committee of  
the Whole House.*

MR. GIBSON,  
(*Hamilton*).

TOLSONTO:

PRINTED BY WARWICK & SONS, 58 AND 70 FRONT ST W.

An Act respecting the Culling and Measurement of  
Saw-Logs cut upon Crown Lands.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario enacts  
as follows:—

1. This Act may be cited as "*The Ontario Cullers' Act.*" Short-title.
- 5 2. The expression "saw-logs" includes all logs of pine of "Saw-log,"  
whatever length, whether round or flatted. meaning of.
3. The expression "culler" includes all persons employed "Culler,"  
or engaged in measuring saw-logs cut on Crown Lands. meaning of.
4. It shall be incumbent upon all persons cutting saw-logs Persons cut-  
10 on Crown Lands to cause to be kept in each chantier, camp, or ting saw-logs  
lumbering establishment such records and books as may be to keep record  
required by the Crown Lands Department, which records and and transmit  
books shall be open at all times to the inspection of any Crown same to Crown  
timber agent, Crown timber ranger, or other officer of the Lands Depart-  
15 Crown Lands Department, and shall at the end of the season ment.  
be attested under oath by the person who has made the entries  
therein and handed to the officer of the Department authorized  
to receive the same.
5. The Lieutenant-Governor in Council may from time to Examination  
20 time appoint a board or boards of examiners, each consisting of applicants  
of three skilful persons, any two of whom shall form a quorum, for licenses to  
whose duty it shall be to examine and test the ability and cull and mea-  
knowledge of all applicants desiring to be licensed to cull and sure saw-logs.  
measure saw-logs cut on Crown lands; and to perform such  
25 other duties as may be assigned to them by the Lieutenant-  
Governor-in-Council.
6. Each examiner, before entering on his duties, shall take Oath of  
and subscribe before a justice of the peace an oath to the examiner.  
following effect:
- 30 That I, \_\_\_\_\_, will act as examiner of cullers  
to the best of my ability and knowledge, and will conduct the  
examinations without fear, favour or affection, and recommend  
for licenses only those persons who have satisfactorily proved  
their fitness to discharge the duties of culling and measuring  
35 saw-logs. (Sd)  
which affidavit shall be transmitted to the Commissioner of  
Crown Lands to be filed.



Fees of  
examiners.

7. The Lieutenant Governor in Council may authorize the payment to each member of such boards of examiners, as remuneration for his services, a sum not exceeding \$        per day, while actually employed as such examiner.

Sittings of  
board of ex-  
aminers.

8. The boards of examiners shall sit at such places and on 5 such dates as may be fixed by the Commissioner of Crown Lands, and shall examine all candidates who may present themselves before them, and at the close of the examination, or as soon after as may be, shall transmit to the Commissioner of Crown Lands the names of such of those as they believe are 10 trustworthy and of good character, and who have passed a satisfactory examination, and whom they recommend as having the requisite skill and knowledge to warrant their being licensed as saw-log cullers.

Notice to be  
given of sit-  
tings of  
board.]

9. The Commissioner of Crown Lands shall cause to be 15 addressed to all licensees and owners of timber limits on or before the first of January next after the passing of this Act, a printed notice of the place at which it is proposed to hold examinations, and the date thereof, and shall give such further notice by advertisement in the public press, or otherwise, as he 20 may deem expedient.

Candidates to  
give notice  
and pay fees.

10. All persons intending to present themselves for examina- tion as cullers shall on or before the first day of May in any year give notice in writing to the Commissioner of Crown Lands of such intention, and their post office address, and shall 25 pay into the Department of Crown Lands the sum of \$        as an examination fee.

Licenses to  
cullers.

11. The Commissioner of Crown Lands may issue a license to any person reported by a board of examiners as competent to perform the duties of culler, such licenses to be in the form 30 following, and to remain in force until cancelled :—

To                      of the (*county or district*) of        .

By virtue of authority vested in me by Act of the Legisla- tive Assembly                      Victoria, 1890, chapter, entitled "An Act relating to the culling and measurement of 35 saw-logs upon Crown Lands," I hereby authorize you to act as culler of saw-logs which may be cut on Crown lands within the province of Ontario, such authority to continue in force during pleasure.

Given under my hand this                      day of                      in the 40 year of our Lord A.D. 18        .

(Sgd.)

Commissioner of Crown Lands.

Oath of appli-  
cant for  
license.

12. Before such license is issued each successful applicant shall take the following oath before a justice of the peace or 45 a commissioner of the High Court of Justice :—

I,                      , do solemnly swear that I will, while acting as licensed culler, without fear, favour or affection, and to the best of my judgment and skill, correctly measure all saw-logs cut on Crown lands which I may be employed to measure, and 50 make true return of the same to the Department of Crown Lands, or its agents.

Which oath of office shall be filed in the Department of Crown Lands.

13. From and after the passing of this Act no person other than a licensed culler shall make measurement of saw-logs cut upon Crown lands for the purposes of a return to the Crown Lands Department ; except that where it is made to appear to the satisfaction of the Commissioner of Crown Lands that the services of a licensed culler are not procurable, he may issue a special permit to any trustworthy and skilled person to act as culler upon his taking the prescribed oath, but such permit shall not extend beyond the 1st day of July next following its date.

Unlicensed persons not to make measurements.

14. It shall be the duty of every culler to measure fairly and correctly to the best of his skill, knowledge and ability, all saw-logs which he may be employed to measure, making only such deductions as are necessary to allow for the rots or other defects, and to enter in his book of record, for the purpose of return to the Crown Lands Department, what he believes to be the proper contents of the log, noting also the number of saw-logs rejected as worthless, commonly called culls.

Duties of cullers.

15. Upon all logs culled or rejected as wholly worthless he shall write the word "cull" in plain letters, but he shall not mark "cull" upon any log in which there is merchantable lumber, and which is intended to be hauled to any river, lake or stream for the purpose of being driven to a mill.

Culled logs to be marked

16. All licensed cullers shall submit their books and records of measurement for the inspection of any Crown timber agent, Crown timber ranger, or other officer of the Crown Lands Department when called upon so to do, and shall give all information asked for if in their power, and furnish any statements or copies of statements which the Department or its agents may from time to time require.

Inspection of books and records of cullers.

17. At the end of the season it shall be the duty of every culler to make a sworn return upon forms supplied by the Crown Lands Department or its agents, which return shall show the number of pieces measured and accepted by such culler, and their respective lengths and diameters, and also the number of pieces rejected as worthless.

Returns to be made by cullers.

18. Should any culler neglect or refuse to carry out and obey the provisions of this Act, or any regulations now in force or to be made under it, the Commissioner of Crown Lands may cancel such culler's license and he shall not thereafter be eligible to cull or measure saw-logs cut upon Crown lands, and if he does so he shall be liable to a penalty of not less than \$10 nor more than \$50 to be recovered with costs on summary conviction before any stipendiary magistrate, police magistrate or two justices of the peace, and on default of payment or distress, he shall be imprisoned in the common gaol of the county or district for a period not less than one month nor more than three months, in the discretion of the court.

Effect of cancellation of license.

Penalty for making improper measurements or false returns.

**19.** Should any culler wilfully undermeasure or improperly cull and reject any saw-logs, or make a false return for the purpose of deceiving or defrauding the Province, such culler's license shall be revoked, and he shall not thereafter be permitted to act as culler under this Act; and in addition he shall be subject to a penalty of not less than \$20 nor more than \$100, to be recovered with costs on summary conviction before any stipendiary magistrate, police magistrate, or two justices of the peace, and on default of payment he shall be imprisoned in the common gaol of the county or district for a period of not less than one month nor more than three months, in the discretion of the court.

Act not to affect regulations under Rev. Stat. c. 28.

**20.** This Act shall not be taken or construed as abrogating any regulations made under *The Act respecting Timber on Public Lands*, except in so far as any such regulations may be inconsistent herewith.

13th section not to apply in certain cases.

**21.** The 13th section of this Act shall not apply to the operations of any lumber company, person or firm, whose gross annual output is under 250,000 feet, board measure.

Commencement of Act.

**22.** This Act shall not come in force until a day to be named by the Lieutenant-Governor by his proclamation.



No. 217.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Culling and Measurement of Saw-Logs cut upon Crown Lands.

First Reading, 12th March, 1890.

MR. HARDY.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act respecting the Commitment of Persons of  
Tender Years.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. No boy shall be received for confinement in the Ontario Reformatory for Boys, who appears to the superintendent of the Reformatory to be under the age of thirteen years. R.S.O., c. 241, s. 4. Boys under 13 not to be received at reformatory.

2. Where under the authority of any statute of the Province, or of any other statute or law in force in the Province, and relating to matters within the legislative authority of the Legislature of the Province, any offender is convicted whether summarily or otherwise, of any offence punishable by imprisonment, by any judge, stipendiary or police magistrate, or justice of the peace, who at the time of the trial is of the opinion that such offender does not exceed the age of thirteen years, such judge, magistrate or justice, may order such offender to be sent to a certified industrial school, subject to the provisions of *The Industrial Schools Act*. R.S.O., c. 74. R.S.O., c. 734, s. 7. R.S.C., c. 181, s. 29. Boys under 13 may be committed to industrial schools.

3. Such offender shall thereupon be detained in such Industrial School until he be reformed or otherwise fit to be apprenticed or bound out, or be probationally or permanently discharged under the provisions of *The Industrial Schools Act*, and such detention shall be substituted in such case for the imprisonment in the penitentiary or reformatory or such place of confinement by which the offender would otherwise be punishable under any such statute or law relating thereto as aforesaid. Period of detention at industrial schools.

Provided that in no case shall offender be detained beyond the age of 17 years. R.S.O., c. 241, s. 28. R.S.C., c. 181, s. 29. Proviso.

4. Upon complaint made to the judge of the County or District Court, or to any stipendiary or police magistrate by the general superintendent or other officer in charge of such Industrial School, that by reason of incorrigible or vicious conduct, or escape, or habits of escape, and with reference to the general discipline of the school, the offender is beyond the control of such officer, the judge, stipendiary or police magistrate may order such offender to be confined in the Reformatory for an undefined period, not to exceed the period which he would be otherwise liable to be detained. R.S.C., 182, s. 49-50. R.S.C. 183, s. 69. R.S.O., 241, s. 28. Incorrigible offenders may be sent to reformatory.

Order of committal to designate municipality chargeable with maintenance.

5. Upon an order being made by any judge, stipendiary or police magistrate or justice of the peace, for the committal of any child to any Industrial School, or Refuge for Boys or Girls, or other institution subject to the inspection of the Inspector of Prisons and Asylums, or to any suitable charitable society authorized under *The Act Respecting Apprentices and Minors*, under *The Industrial Schools Act*, or under *An Act for the Protection and Reformation of Neglected Children*, or under *The Industrial Schools Act*, such order shall specify the municipality or municipalities chargeable with the maintenance of such child, and a copy of the order with a copy of the depositions upon which the child has been committed shall be forwarded by registered letter to the clerk of the municipality chargeable under such committal with the maintenance of the child and unless the municipality move before such judge or magistrate to set aside the order in respect of maintenance within one month after receiving copy of such order the municipality shall be deemed to have consented to the order, and be estopped from denying liability thereunder. Such judge or magistrate may at any time vary the order and charge any other municipality upon which order like proceedings may be taken. R.S.O., c. 234, s. 9, s. 35 and 51 Vic. c. 40, s. 6. 5 10 15 20

Rev. Stat. c. 241, s. 27, amended.

6. Section 27 of the *Act respecting the Ontario Reformatory for Boys* is amended by striking out the words "ten and thirteen," in the third line, and inserting in lieu thereof the words "thirteen and sixteen." 25



No. 218.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the Commitment of  
Persons of Tender Years.

First Reading, 12th March, 1890.

Mr. Ross (*Harbour*).

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

## An Act respecting the University of Toronto.

**W**HEREAS the recent destruction by fire of the buildings of the University of Toronto together with the library and museums therein contained and a large portion of the apparatus belonging to the said University and to the school of Practical Science in connection therewith is a loss which will be felt by the entire Province; and whereas the prompt rebuilding of the said University and the replacement so far as possible of the said library, museums and apparatus is a matter of interest to the inhabitants of every municipality in this Province;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The council of every county, city, town, township and village may pass a by-law or by-laws for granting aid to the University of Toronto for all or any of the purposes aforesaid and may create a debt therefor and may issue debentures for the amount of such debt and no such by-law shall require the assent of the ratepayers of the municipality before the final passing thereof, unless such amount shall exceed \$500.



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4th Session, 6th Legislature, 53 Vic, 1890

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BILL.

An Act respecting the University of  
Toronto.

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First Reading, 12th March, 1890.

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Mr. McLAUGHLIN.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 220.]

## BILL.

[1890.

An Act to amend the Act to Prevent the Spread of  
Noxious Weeds, and of Diseases Affecting Fruit  
Trees.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

Section 3 of the *Act to Prevent the Spread of Noxious* Rev. Stat. c.  
203 s. 3.  
5 *Weeds and Diseases affecting Fruit Trees* is hereby amended  
by adding the following sub-section thereto: amended.

“The council may pass a by-law dividing the municipality  
into such sections or divisions as may be necessary for the  
carrying out of this Act, and may appoint inspectors for such  
10 divisions whose duties and powers shall in all respects be the  
same as that of the township inspector.” Division of  
municipalities  
into sections  
and appoint-  
ment of  
inspectors.

No. 220.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend the Act to Prevent the  
Spread of Noxious Weeds and Diseases  
Affecting Fruit Trees.

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First Reading, 12th March, 1890.

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Mr. CLANCY.

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TORONTO :

PRINTED BY WARWICK & SONS 68 AND 70 FRONT ST. W.

**BILL.****An Act to simplify the Procedure for enforcing Mechanics' Liens.**

1. Any person claiming a mechanic's lien, may enforce the same by means of the proceedings hereinafter set forth. Procedure for enforcing liens
2. Without issuing a writ of summons or taking any other preliminary proceeding, the plaintiff may file a statement of claim in the office of a master or official referee having jurisdiction in the county wherein the lands in question are situate. Statement of claim to be filed.
3. Such statement of claim shall be verified by affidavit. Upon the filing of such statement of claim and affidavit, the master or referee shall issue a certificate in duplicate of the filing of the same. Affidavit verifying claim, and certificate of filing.
4. Upon the registration of such certificate in the proper registry office, the action shall be deemed to have been commenced as against the owner and all other necessary parties to the action. Registration of certificate.
5. The master or referee shall also in and by such certificate appoint a time and place at which he will inquire into the claim of the plaintiff and take all necessary accounts; such certificate and appointment shall be issued in duplicate, and may be in the form set forth in the Schedule hereto. Certificate to name time and place for taking accounts.
6. A copy of such certificate and appointment shall be served on the owner and all other proper parties at least ten days before the day therein named for taking the first proceeding thereunder. Service of copy of certificate and appointment.
7. Within ten days after the service of such certificate and appointment, any person served therewith may file a notice disputing the plaintiff's right to a lien. Notice disputing claim.
8. In case a notice disputing the plaintiff's lien is filed, the master or referee shall before taking any further proceedings, determine the question raised by the notice, or may adjourn the question before a judge in chambers, and if so required by any parties may, thereupon issue a certificate of his finding. Determination of the question raised by notice.
9. But if not required to issue such last named certificate it shall suffice for the master or referee to enter in his book a note of his finding. Master may enter note of his finding.

Owner to file statement of amount admitted to be due.

**10.** Where no notice disputing the plaintiff's lien is filed as aforesaid, and the proceedings are instituted by a subcontractor, the owner is to file in the office of the master or referee, a statement of account showing what if anything he admits to be due for the satisfaction of the plaintiff's lien and all other liens of the same class as the plaintiff's. Such statement is to be filed at least four days before the day named in the certificate mentioned in section 5 for taking accounts, and in case the owner shall not file such statement, or shall file an untrue statement he may be ordered by the master or referee to pay all costs incurred in establishing the true amount due and owing from him.

Other lienholders to file accounts.

**11.** All lienholders of the same class served with the appointment, or who may claim to be entitled to the benefit of the action, shall also within four days before the day named in the appointment for taking accounts, file in the office of the master or referee a statement of account, showing the just and true sum due to them respectively, after giving credit for all sums in cash, merchandise or otherwise to which the debtor is entitled to credit on account of their respective claims, which accounts shall be verified by affidavit, and such accounts and affidavit may be in the form mentioned in the Schedule hereto.

Lienholder not filing his claim in time may apply to be let in.

**12.** A lienholder who has not filed his claim within the time limited by the next preceding section may apply to the master or referee to be let in to prove his claim at any time before the amount realized by the proceedings for the satisfaction of liens has been distributed, and such application may be granted or refused and upon such terms as to costs and otherwise as may appear just.

Master to take accounts, etc., and report.

**13.** Upon the return of the appointment to take accounts, the master or referee shall proceed to take an account of what is due from the owner and also what is due to the respective lienholders and incumbrancers who have filed their claims, and shall also tax to them respectively such costs as he may find them entitled to, and shall settle their priorities, and shall make all other inquiries and take all other necessary accounts for the adjustment of the rights of the various parties, and shall thereupon make a report of the result of such inquiries and accounts, and shall direct that the money found due by the owner shall be paid into court to the credit of the action, at the expiration of one month from the date of the report.

Costs to be in discretion of master.

**14.** In case any dispute arises as to the amount due from the owner for the satisfaction of the mechanics' liens, or as to the amount claimed to be due to any lienholder or incumbrancer, the costs occasioned by the dispute shall be in the discretion of the master or referee, and shall be borne and paid as he directs.

Procedure where nothing found to be due by owner.

**15.** If nothing is found due by the owner, the master or referee may make an order staying all further proceedings, and make such order as to costs as shall be just, and at the expiration of fourteen days thereafter, may grant a certificate vacating the lien of the plaintiff and all other liens of the same class as the plaintiff's, unless the issue of the certificate shall



in the meantime be stayed, and if such stay is granted, the certificate may issue forthwith after the removal of the stay or so soon thereafter as the fourteen days shall expire.

16. Where anything is found due by the owner he may, on 5 or at any time before the day appointed for payment, pay the amount found due by him into court, and thereupon, upon proof of such payment, the master or referee may grant *ex parte* a certificate in the form in the Schedule vacating the liens of the plaintiff, and all other liens of the same class as the 10 plaintiffs.

Payment of amount found due into court.

17. The master or referee may make such order as to the owner's costs of obtaining and registering any certificate vacating a lien as may be just.

Owner's costs where lien vacated.

18. Upon the registration in the proper registry office of a 15 certificate vacating any lien or liens the same shall be thereupon vacated and discharged.

Registration of certificate vacating lien.

19. Upon payment into court of the amount which may be found due by the owner the same shall (subject to the payment of any costs thereout as may be ordered) be paid out to 20 the parties found entitled by the report of the master or referee.

Distribution of amount paid in by owner.

20. In default of payment by the owner within the time directed by the report, the plaintiff may apply *ex parte* to the said master or referee who, upon due proof of the default, 25 may issue a judgment for the sale of the land in question for the satisfaction of the lien of the plaintiff and other liens or the same class.

Judgment for sale of land on default of owner.

21. The judgment for sale may be in the form set forth in the Schedule.

Form of judgment.

30 22. Such judgment for sale shall be entered as other judgments are required to be entered, in the proper office for entering judgments in the county in which the judgment is made, and shall have the same force and effect as a judgment made at the trial of an action between the same parties.

Entry of judgment.

35 23. The sale under said judgment shall be conducted in the manner prescribed by the Consolidated Rules respecting sales had under the order of the court.

Conduct of sale.

40 24. After the sale the master or referee shall make his report upon the sale, and shall tax the cost of the sale to the party entitled thereto, and shall in the same report apportion the moneys realized among the parties entitled thereto, and upon the confirmation of the report the moneys realized may be paid out of court to the parties found entitled thereto by the report, without further order.

Master to make report on sale and case costs.

45 25. For the purpose of the proceedings to obtain an order for sale and for carrying out the sale and the apportionment of the moneys realized thereunder, the plaintiff shall be deemed sufficiently to represent all other lienholders entitled to the benefit of the action, unless the court or master or 50 referee otherwise orders.

Plaintiff to represent lienholders in proceedings for sale.

Carriage of  
proceedings.

**26.** Any lienholder entitled to the benefit of the action may apply for the carriage of the proceedings, and the master or referee may thereupon make such order as to costs and otherwise as may be just, and any lienholder who obtains the carriage of the proceedings shall in respect of all proceedings taken by him be deemed to be the plaintiff in the action. 5

Dismissal of  
proceedings  
for want of  
prosecution.

**27.** Any person affected by the proceedings may apply to the master or referee to dismiss the same for want of due prosecution, and the master or referee may make such order upon the application as to costs or otherwise as may be just. 10

Official guard-  
ian to be  
served for in-  
fants.

**28.** Where any infants are named as defendants the appointment referred to in section 5 may be served upon the official guardian *ad litem* for such infants, who shall thereupon become and be the guardian *ad litem* for such infant in the proceedings; and it shall not be necessary to serve any such infant defendant with any further or other proceedings, and such infant shall be bound thereby. 15

Costs not to  
exceed 25 per  
cent of  
amount  
realized,

**29.** Where the taxed costs of the proceedings to enforce any mechanic's lien which are payable out of the amount realized by such proceedings for the satisfaction of the lien shall exceed 25 per cent. of the amount realized thereby for the satisfaction of the lien, such costs shall be reduced proportionately by the master or referee, so as the same shall not in the aggregate exceed the said 25 per cent., and no more costs than such reduced amount shall be recoverable between party and party, or solicitor and client. 20 25

Judgment for  
balance after  
realizing  
amount of  
lien.

**30.** After the amount of the lien shall be realized any lienholder who has proved a claim may apply to the said master or referee upon notice to his primary debtor for judgment for the payment of any balance which may remain due after deducting the amount received or payable in respect of the lien, and thereupon the master or referee may refuse the application upon such terms as to costs or otherwise as may be just, or in case he sees fit to grant the application he shall grant a certificate of the amount for which he finds the applicant is entitled to judgment for debt and costs. 30 35

When judg-  
ment to be  
entered in  
High Court;

**31.** Such certificate may be filed in the proper office of the High Court for the entry of judgment if the amount awarded exceeds the sum of \$400, and the same shall thereupon be entered in the judgment book, and shall thereupon become a judgment of the High Court, and may be enforced in like manner as any other judgment for the payment of money is enforced in the High Court. 40

and when in  
county court;

**32.** Where the amount awarded by the certificate is less than \$400 but exceeds \$100, such certificate may in like manner be entered in the County Court of the county in which the said proceedings are carried on, and may be enforced in like manner as a judgment of such court. 45

and when in  
division court.

**33.** Where the amount awarded does not exceed \$100 the certificate may be entered with the clerk of the Division Court of the division in which the debtor resides in like 50

- 5 **34.** The fees payable for entering such certificate as a judge-ment shall be as follows:—
- |                            |        |
|----------------------------|--------|
| In the High Court.....     | \$1.60 |
| In the County Court.....   | 80     |
| In the Division Court..... | 50     |
- 10 **35.** Orders and certificates made by a referee or master Appeals under the Act shall be appealable in like manner as orders made in Chambers by a local judge.

## FORM L

*Style of Court and Cause.*

I, etc., make oath and say, that I have read (or heard read) the foregoing statement of claim, and I say that the facts therein set forth are to the best of my knowledge and belief true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all sums of money or goods or merchandise to which the (*naming the debtor*) is entitled to credit as against me.

CERTIFICATE AND APPOINTMENT TO BE SERVED.

*Style of Court and Cause.*

I certify that the above-named plaintiff claiming to be a contractor with the defendant (*naming the owner*) [or (*a subcontractor of the defendant A.B.*)] who is (*or claims under C. D.*) a contractor with (*naming the owner*)] has filed in my office a statement of his claim to enforce a mechanic's lien against (*describe the lands*).

And take notice, that I will at my office, at the town of \_\_\_\_\_, in \_\_\_\_\_, proceed on \_\_\_\_\_, the day of \_\_\_\_\_, to determine whether the plaintiff is entitled to the lien in case his right thereto is disputed, and on the \_\_\_\_\_ day of \_\_\_\_\_ I will, in case his right is undisputed, or if disputed is established before me, \_\_\_\_\_ proceed and take all necessary accounts and tax costs for the purpose of enforcing such lien, and if you do not attend at the time and place appointed and prove your claim, if any, the proceedings will be taken in your absence, and you may be deprived of all benefit of the proceedings.

## FORM 3.

## NOTICE DISPUTING PLAINTIFF'S RIGHT OF LIEN.

*Style of Court and Cause.*

I dispute that the plaintiff is now entitled to a mechanics' lien on the following lands (*setting forth grounds shortly*) :—

(a) That the lien has not been prosecuted in due time as required by statute.

(b) That there is nothing due to the plaintiff.

(c) That the plaintiff's lien has been vacated and discharged.

(d) That there is nothing due by A. B. (*the owner*) for the satisfaction of the plaintiff's claim.

(*Signature of defendant in person, or his solicitor*).

This notice is filed by A. B., defendant, in person, and my address for service is (*stating address, within two miles of office of master or referee*) or, This notice is filed by Y. Z., of solicitor for the defendant A. B.

## FORM 4.

## STATEMENT OF ACCOUNT TO BE FILED BY OWNER.

*Style of Court and Cause.*

Amount of contract price for work contracted to be performed by A. F. as plumber on the lands in question herein..... \$500 00

Amounts paid on account—

June 1, 1889, paid E. F... \$200 00

July 5, 1889, " G. H. and

B. K., sub-contractors of

E. F..... 100 00

300 00

Balance admitted to be due..... \$200 00  
for satisfaction of lien of plaintiff and other  
lienholders of same class as plaintiff.

## FORM 5.

## AFFIDAVIT OF OWNER VERIFYING ACCOUNT.

*Style of Court and Cause.*

I, A. B., of being the owner of the lands in question in this action, make oath and say: I have in the foregoing account (*or account now shewn to be marked A*) set forth a just and true account of the amount of the contract price agreed to be paid by me to E. F. for the work contracted to be done by him on the lands in question.



I have also justly and truly set forth the payments made by me on account thereof, and the persons (or person) to whom the same were made. And the balance of (\$200.00) appearing by such account to be still due and payable is the just and true sum now due and owing by me in respect of my contract with the said *E. F.*

Sworn etc.

---

FORM 6.

STATEMENT OF ACCOUNT BY LIENHOLDER.

*Style of Court and Cause.*

E. F.

D. to G. H.

1889.

Jan. 1—To 12 doz. brackets.....	\$12 00
Feb. 3— “ 50 lbs of nails .....	5 00
Oct. 3— “ 40 sheets of glass .....	40 00
	<hr/>
	\$57 00

1889.

Cr.

Feb. 4—By cash.....	\$ 4 00
June 5— “ goods .....	20 00
	<hr/>
	\$24 00
	<hr/>
	\$33 00

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FORM 7.

AFFIDAVIT OF LIENHOLDER VERIFYING CLAIM.

*Style of Court and Cause.*

I, *G. H.*, of (*address and occupation*)  
make oath and say

I have in the foregoing account, (or in the account now shown to me marked A) set forth a just and true account of the amount due and owing to me by *E. H.*, (*the owner*) (or by *E. F.*, who is a contractor with the defendant *L. G.*, (*the owner*) of the lands in question, and I have in the said account given credit for all sums in cash or merchandise or otherwise to which the said *E. F.* is justly entitled to credit in respect of the said account and the sum of (\$33.00) appearing by such account to be due to me as the amount (or balance) of such account is now justly due and owing to me.

Sworn, etc.

(*Address of claimant or his solicitor for service to be stated at foot is in Form No. 3.*)

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## FORM 8.

## JUDGMENT FOR SALE.

*Style of Court and Cause.*

Date

Upon motion of the aforesaid plaintiff and upon hearing read the statement of claim the report made herein on the day of and the certificate of the accountant

It is ordered and adjudged that the lands in question (*describe the lands*) be forthwith sold with the approbation of (the master of this court at or W. X., Esq., an official Referee of this court at )

That the purchase money be paid into court to the credit of this action.

That all proper parties do join in the conveyances to the purchasers as the said (*master or referee*) may direct.

That the proceeds of the said sale be paid out of the court to the parties who may be found entitled by the said (*master or referee*).

Signed this day of A.D. 18  
(*Signature of master or referee.*)

Entered this day of A.D.  
(*Signature of officer in whose office judgment is entered:*)

## FORM 9.

## CERTIFICATE VACATING LIEN.

*Style of Court and Cause.*

Date

I certify that the defendant A. B. (*the owner*) has paid into court to the credit of this cause all money due and payable by him for the satisfaction of the liens of the plaintiff and E. F., G. H., I. J. & K. L., and their liens are hereby vacated and discharged so far as the same affect the following lands (*describe lands*).

(*Signature of master or referee.*)

## FORM 10.

## CERTIFICATE VACATING LIEN.

*Style of Court and Cause.*

Date

I certify that I have inquired and find that the plaintiff is not entitled to any mechanics' lien upon the lands of the defendant A. B. (*the owner*) and that his claim of lien is hereby vacated and discharged so far as the same affects the following lands (*describe lands*).

(*Signature of master or referee.*)

## FORM 11.

## CERTIFICATE FOR JUDGMENT FOR BALANCE AFTER REALIZATION OF LIEN.

*Style of Court and Cause.*

Date

Upon the application of *A. B.* on due notice to *C. D.* I do certify that *A. B.* is entitled under the provision of the Act to recover against *C. D.* \$        debt and \$        costs, and that upon filing of this certificate in the proper office of (this Court or the County Court of the county of        or the 1st Division Court of the county of        ) he is entitled to enforce the same as a judgment of that court.

No. 221.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to simplify the Procedure for  
enforcing Mechanics' Liens.

First Reading, 12th March, 1890.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act to simplify the Procedure for enforcing  
Mechanics' Liens.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Any person claiming a mechanic's lien, may enforce the same by means of the proceedings hereinafter set forth. Procedure for enforcing liens

2. Without issuing a writ of summons or taking any other preliminary proceeding the plaintiff may file a statement of claim in the office of a master or official referee having jurisdiction in the county wherein the lands in question are situate. Statement of claim to be filed.

3. Such statement of claim shall be verified by affidavit. Upon the filing of such statement of claim and affidavit, the master or referee shall issue a certificate in duplicate of the filing of the same. Affidavit verifying claim, and certificate of filing.

4. Upon the registration of such certificate in the proper registry office, the action shall be deemed to have been commenced as against the owner and all other necessary parties to the action. Registration of certificate.

5. The master or referee shall also in and by such certificate appoint a time and place at which he will inquire into the claim of the plaintiff and take all necessary accounts; such certificate and appointment shall be issued in duplicate, and may be in the form set forth in the Schedule hereto. Certificate to name time and place for taking accounts.

6. A copy of such certificate and appointment shall be served on the owner and all other proper parties, at least ten days before the day therein named for taking the first proceeding thereunder. Service of copy of certificate and appointment.

7. Within ten days after the service of such certificate and appointment, any person served therewith may file a notice disputing the plaintiff's right to a lien. Notice disputing claim.

8. In case a notice disputing the plaintiff's lien is filed, the master or referee shall before taking any further proceedings, determine the question raised by the notice, or may adjourn the question before a judge in chambers, and if so required by any parties may, thereupon issue a certificate of his finding. Determination of the question raised by notice.

9. But if not required to issue such last named certificate, it shall suffice for the master or referee to enter in his book a note of his finding. Master may enter note of his finding.

Owner to file statement of amount admitted to be due.

**10.** Where no notice disputing the plaintiff's lien is filed as aforesaid, and the proceedings are instituted by a subcontractor, the owner is to file in the office of the master or referee, a statement of account showing what if anything he admits to be due for the satisfaction of the plaintiff's lien and all other liens of the same class as the plaintiff's. Such statement is to be filed at least four days before the day named in the certificate mentioned in section 5 for taking accounts, and in case the owner shall not file such statement, or shall file an untrue statement he may be ordered by the master or referee to pay all costs incurred in establishing the true amount due and owing from him.

Other lienholders to file accounts.

**11.** All lienholders of the same class served with the appointment, or who may claim to be entitled to the benefit of the action, shall also within four days before the day named in the appointment for taking accounts, file in the office of the master or referee a statement of account, showing the just and true sum due to them respectively, after giving credit for all sums in cash, merchandise or otherwise to which the debtor is entitled to credit on account of their respective claims, which accounts shall be verified by affidavit, and such accounts and affidavit may be in the form mentioned in the Schedule hereto.

Lienholder not filing his claim in time may apply to be let in.

**12.** A lienholder who has not filed his claim within the time limited by the next preceding section may apply to the master or referee to be let in to prove his claim at any time before the amount realized by the proceedings for the satisfaction of liens has been distributed, and such application may be granted or refused and upon such terms as to costs and otherwise as may appear just.

Master to take accounts, etc., and report.

**13.** Upon the return of the appointment to take accounts, the master or referee shall proceed to take an account of what is due from the owner and also what is due to the respective lienholders and incumbrancers who have filed their claims, and shall also tax to them respectively such costs as he may find them entitled to, and shall settle their priorities, and shall make all other inquiries and take all other necessary accounts for the adjustment of the rights of the various parties, including therein where there is a prior mortgage or charge and the holder thereof is a party to the proceedings, the amount by which it shall appear to the master or referee that the selling value of the land has been increased by reason of the work or materials for which a lien is claimed on the land, and shall thereupon make a report of the result of such inquiries and accounts, and shall direct that the money found due by the owner shall be paid into court to the credit of the action, at the expiration of one month from the date of the report.

Costs to be in discretion of master.

**14.** In case any dispute arises as to the amount due from the owner for the satisfaction of the mechanics' liens, or as to the amount claimed to be due to any lienholder or incumbrancer, the costs occasioned by the dispute shall be in the discretion of the master or referee, and shall be borne and paid as he directs.

Procedure where nothing found to be due by owner.

**15.** If nothing is found due by the owner, the master or referee may make an order staying all further proceedings, and make such order as to costs as shall be just, and at the



expiration of fourteen days thereafter, may grant a certificate vacating the lien of the plaintiff and all other liens of the same class as the plaintiff's, unless the issue of the certificate shall in the meantime be stayed, and if such stay is granted, the certificate may issue forthwith after the removal of the stay or so soon thereafter as the fourteen days shall expire.

16. Where anything is found due by the owner he may, on or at any time before the day appointed for payment, pay the amount found due by him into court, and thereupon, upon proof of such payment, the master or referee may grant *ex parte* a certificate in the form in the Schedule vacating the liens of the plaintiff, and all other liens of the same class as the plaintiff's.

Payment of amount found due into court.

17. The master or referee may make such order as to the owner's costs of obtaining and registering any certificate vacating a lien as may be just.

Owner's costs where lien vacated.

18. Upon the registration in the proper registry office of a certificate vacating any lien or liens the same shall be thereupon vacated and discharged.

Registration of certificate vacating lien.

19. Upon payment into court of the amount which may be found due by the owner the same shall (subject to the payment of any costs thereout as may be ordered) be paid out to the parties found entitled by the report of the master or referee.

Distribution of amount paid in by owner.

20. In default of payment by the owner within the time directed by the report, the plaintiff may apply *ex parte* to the said master or referee who, upon due proof of the default, may issue a judgment for the sale of the land in question for the satisfaction of the lien of the plaintiff and other liens of the same class.

Judgment for sale of land on default of owner.

21. The judgment for sale may be in the form set forth in the Schedule.

Form of judgment.

22. Such judgment for sale shall be entered as other judgments are required to be entered, in the proper office for entering judgments in the county in which the judgment is made, and shall have the same force and effect as a judgment made at the trial of an action between the same parties.

Entry of judgment.

23. The sale under said judgment shall be conducted in the manner prescribed by the Consolidated Rules respecting sales had under the order of the court.

Conduct of sale.

24. After the sale the master or referee shall make his report upon the sale, and shall tax the costs of the sale to the party entitled thereto, and shall in the same report apportion the moneys realized among the parties entitled thereto, and upon the confirmation of the report the moneys realized may be paid out of court to the parties found entitled thereto by the report, without further order.

Master to make report on sale and tax costs.

25. For the purpose of the proceedings to obtain an order for sale and for carrying out the sale and the apportionment of the moneys realized thereunder, the plaintiff shall be deemed sufficiently to represent all other lienholders entitled to the benefit of the action, unless the court or master or referee otherwise orders.

Plaintiff to represent lienholders in proceedings for sale.

Carriage of proceedings.

**26.** Any lienholder entitled to the benefit of the action may apply for the carriage of the proceedings, and the master or referee may thereupon make such order as to costs and otherwise as may be just, and any lienholder who obtains the carriage of the proceedings shall in respect of all proceedings taken by him be deemed to be the plaintiff in the action.

Dismissal of proceedings for want of prosecution.

**27.** Any person affected by the proceedings may apply to the master or referee to dismiss the same for want of due prosecution, and the master or referee may make such order upon the application as to costs or otherwise as may be just.

Official guardian to be served for infants.

**28.** Where any infants are named as defendants the appointment referred to in section 5 may be served upon the official guardian *ad litem* for such infants, who shall thereupon become and be the guardian *ad litem* for such infant in the proceedings; and it shall not be necessary to serve any such infant defendant with any further or other proceedings, and such infant shall be bound thereby.

Costs not to exceed 25 per cent. of amount realized.

**29.** Where the taxed costs of the proceedings to enforce any mechanic's lien which are payable out of the amount realized by such proceedings for the satisfaction of the lien shall exceed 25 per cent. of the amount realized thereby for the satisfaction of the lien, such costs shall be reduced proportionately by the master or referee, so as the same shall not in the aggregate exceed the said 25 per cent., and no more costs than such reduced amount shall be recoverable between party and party, or solicitor and client.

Judgment for balance after realizing amount of lien.

**30.** After the amount of the lien shall be realized any lienholder who has proved a claim may apply to the said master or referee upon notice to his primary debtor for judgment for the payment of any balance which may remain due after deducting the amount received or payable in respect of the lien, and thereupon the master or referee may refuse the application upon such terms as to costs or otherwise as may be just, or in case he sees fit to grant the application he shall grant a certificate of the amount for which he finds the applicant is entitled to judgment for debt and costs.

When judgment to be entered in High Court ;

**31.** Such certificate may be filed in the proper office of the High Court for the entry of judgment if the amount awarded exceeds the sum of \$400, and the same shall thereupon be entered in the judgment book, and shall thereupon become a judgment of the High Court, and may be enforced in like manner as any other judgment for the payment of money is enforced in the High Court.

and when in county court ;

**32.** Where the amount awarded by the certificate is less than \$400 but exceeds \$100, such certificate may in like manner be entered in the County Court of the county in which the said proceedings are carried on, and may be enforced in like manner as a judgment of such court.

and when in division court.

**33.** Where the amount awarded does not exceed \$100 the certificate may be entered with the clerk of the Division Court of the division in which the debtor resides in like


manner as a judgment of such court is entered, and thereupon the same shall become and be a judgment of such court, and may be enforced in like manner as any other judgment of such Division Court.

34. The fees payable for entering such certificate as a judgment shall be as follows:—

In the High Court.....	\$1.60
In the County Court.....	80
In the Division Court.....	50

Fees for entering certificate

35. Orders and certificates made by a referee or master Appeals under the Act shall be appealable in like manner as orders made in Chambers by a local judge.

36. This Act shall be read as part of *The Mechanics' Lien Act* subject to the provisions of this Act.  Act incorporated with  
Rev. Stat. c.  
126.

## SCHEDULE OF FORMS.

### FORM 1.

#### AFFIDAVIT VERIFYING CLAIM.

##### *Style of Court and Cause.*

I, etc., make oath and say, that I have read (or heard read) the foregoing statement of claim, and I say that the facts therein set forth are to the best of my knowledge and belief true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all sums of money or goods or merchandise to which the (*naming the debtor*) is entitled to credit as against me.

### FORM 2.

#### CERTIFICATE AND APPOINTMENT TO BE SERVED.

##### *Style of Court and Cause.*

I certify that the above-named plaintiff claiming to be a contractor with the defendant (*naming the owner*) [or (*a subcontractor of the defendant A.B.*) who is (*or claims under C. D.*) a contractor with (*naming the owner*)] has filed in my office a statement of his claim to enforce a mechanic's lien against (*describe the lands*).

And take notice, that I will at my office, at the town of \_\_\_\_\_, in \_\_\_\_\_, proceed on \_\_\_\_\_, the day of \_\_\_\_\_, to determine whether the plaintiff is entitled to the lien in case his right thereto is disputed, and on the day of \_\_\_\_\_ I will, in case his right is undisputed, or if disputed is established before me, proceed and take all necessary accounts and tax costs for the purpose of enforcing such lien, and if you do not attend at the time and place appointed and prove your claim, if any, the proceedings will be taken in your absence, and you may be deprived of all benefit of the proceedings.

## FORM 3.

## NOTICE DISPUTING PLAINTIFF'S RIGHT OF LIEN.

*Style of Court and Cause.*

I dispute that the plaintiff is now entitled to a mechanics' lien on the following lands (*setting forth grounds shortly*):—

(a) That the lien has not been prosecuted in due time as required by statute.

(b) That there is nothing due to the plaintiff.

(c) That the plaintiff's lien has been vacated and discharged.

(d) That there is nothing due by A. B. (*the owner*) for the satisfaction of the plaintiff's claim.

(*Signature of defendant in person, or his solicitor*).

This notice is filed by A. B., defendant, in person, and my address for service is (*stating address, within two miles of office of master or referee*) or, This notice is filed by Y. Z., of \_\_\_\_\_ solicitor for the defendant A. B.

## FORM 4.

## STATEMENT OF ACCOUNT TO BE FILED BY OWNER.

*Style of Court and Cause.*

Amount of contract price for work contracted to be performed by A. F. as plumber on the lands in question herein..... \$500 00

Amounts paid on account—

June 1, 1889, paid E. F.... \$200 00

July 5, 1889, " G. H. and

B. K., sub-contractors of

E. F. .... 100 00

300 00

Balance admitted to be due..... \$200 00  
for satisfaction of lien of plaintiff and other  
lienholders of same class as plaintiff.

## FORM 5.

## AFFIDAVIT OF OWNER VERIFYING ACCOUNT.

*Style of Court and Cause.*

I, A. B., of \_\_\_\_\_ being the owner of the lands in question in this action, make oath and say: I have in the foregoing account (*or account now shewn to be marked A*) set forth a just and true account of the amount of the contract price agreed to be paid by me to E. F. for the work contracted to be done by him on the lands in question.



I have also justly and truly set forth the payments made by me on account thereof, and the persons (or person) to whom the same were made. And the balance of (\$200.00) appearing by such account to be still due and payable is the just and true sum now due and owing by me in respect of my contract with the said *E. F.*

Sworn etc.

---

### FORM 6.

#### STATEMENT OF ACCOUNT BY LIENHOLDER.

*Style of Court and Cause.*

E. F.

D. to G. H.

1889.

Jan. 1—To 12 doz. brackets.....	\$12 00
Feb. 3—“ 50 lbs of nails .....	5 00
Oct. 3—“ 40 sheets of glass .....	40 00
	<hr/>
	\$57 00

1889.

Cr.

Feb. 4—By cash.....	\$ 4 00
June 5—“ goods .....	20 00
	<hr/>
	\$24 00
	<hr/>
	\$33 00

---

### FORM 7.

#### AFFIDAVIT OF LIENHOLDER VERIFYING CLAIM.

*Style of Court and Cause.*

I, *G. H.*, of (*address and occupation*)

make oath and say

I have in the foregoing account (or in the account now shown to me marked A) set forth a just and true account of the amount due and owing to me by *E. H.*, (*the owner*) (or by *E. F.*, who is a contractor with the defendant *L. G.*, (*the owner*) of the lands in question, and I have in the said account given credit for all sums in cash or merchandise or otherwise to which the said *E. F.* is justly entitled to credit in respect of the said account and the sum of (\$33 00) appearing by such account to be due to me as the amount (or balance) of such account is now justly due and owing to me.

Sworn, etc.

(*Address of claimant or his solicitor for service to be stated at foot is in Form No. 3.*)

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## FORM 8.

## JUDGMENT FOR SALE.

*Style of Court and Cause.*

Date \_\_\_\_\_

Upon motion of the aforesaid plaintiff and upon hearing read the statement of claim the report made herein on the day of \_\_\_\_\_ and the certificate of the accountant \_\_\_\_\_

It is ordered and adjudged that the lands in question (describe the lands) be forthwith sold with the approbation of (the master of this court at or W. X., Esq., an official Referee of this court at )

That the purchase money be paid into court to the credit of this action.

That all proper parties do join in the conveyances to the purchasers as the said (*master or referee*) may direct.

That the proceeds of the said sale be paid out of the court to the parties who may be found entitled by the said (master or referee).

Signed this                      day of                      A.D. 18   .  
(Signature of master or referee.)

Entered this                      day of                      A.D.  
(Signature of officer in whose office judgment is entered):

## FORM 9.

## CERTIFICATE VACATING LIEN.

*Style of Court and Cause.*

Date \_\_\_\_\_

I certify that the defendant *A. B. (the owner)* has paid into court to the credit of this cause all money due and payable by him for the satisfaction of the liens of the plaintiff and *E. F., G. H., I. J. & K. L.*, and their liens are hereby vacated and discharged so far as the same affect the following lands (*describe lands*).

(Signature of master or referee.)

## FORM 10.

## CERTIFICATE VACATING LIEN.

*Style of Court and Cause.*

Date \_\_\_\_\_

I certify that I have inquired and find that the plaintiff is not entitled to any mechanics' lien upon the lands of the defendant *A. B. (the owner)* and that his claim of lien is hereby vacated and discharged so far as the same affects the following lands *(describe lands)*.

(Signature of master or referee.)

## FORM 11.

## CERTIFICATE FOR JUDGMENT FOR BALANCE AFTER REALIZATION OF LIEN.

*Style of Court and Cause.*

Date

Upon the application of *A. B.* on due notice to *C. D.* I do certify that *A. B.* is entitled under the provision of the Act to recover against *C. D.* \$            debt and \$            costs, and that upon filing of this certificate in the proper office of (this Court or the County Court of the county of            or the 1st Division Court of the county of            ) he is entitled to enforce the same as a judgment of that court.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to simplify the procedure for  
enforcing Mechanics' Liens.

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First Reading,	12th March, 1890.
Second "	18th " 1890.

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*(Reprinted as amended by Committee of  
the Whole House.)*

The ATTORNEY-GENERAL.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

An Act to simplify the Procedure for enforcing  
Mechanics' Liens.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Any person claiming a mechanic's lien, may enforce the same by means of the proceedings hereinafter set forth. Procedure for enforcing liens

2. Without issuing a writ of summons or taking any other preliminary proceeding, the plaintiff may file a statement of claim in the office of a master or official referee having jurisdiction in the county wherein the lands in question are situate. Statement of claim to be filed.

3. Such statement of claim shall be verified by affidavit. Upon the filing of such statement of claim and affidavit, the master or referee shall issue a certificate in duplicate of the filing of the same. Affidavit verifying claim, and certificate of filing.

4. Upon the registration of such certificate in the proper registry office, the action shall be deemed to have been commenced as against the owner and all other necessary parties to the action. Registration of certificate.

5. The master or referee shall also in and by such certificate appoint a time and place at which he will inquire into the claim of the plaintiff and take all necessary accounts; such certificate and appointment shall be issued in duplicate, and may be in the form set forth in the Schedule hereto. Certificate to name time and place for taking accounts.

6. A copy of such certificate and appointment shall be served on the owner and all other proper parties, at least ten days before the day therein named for taking the first proceeding thereunder. Service of copy of certificate and appointment.

7. Within ten days after the service of such certificate and appointment, any person served therewith may file a notice disputing the plaintiff's right to a lien. Notice disputing claim.

8. In case a notice disputing the plaintiff's lien is filed, the master or referee shall before taking any further proceedings, determine the question raised by the notice, or may adjourn the question before a judge in chambers, and if so required by any parties may, thereupon issue a certificate of his finding. Determination of the question raised by notice.

Owner to file statement of amount admitted to be due.

9. But if not required to issue such last named certificate, it shall suffice for the master or referee to enter in his book a note of his finding.

10. Where no notice disputing the plaintiff's lien is filed as aforesaid, and the proceedings are instituted by a subcontractor, the owner is to file in the office of the master or referee, a statement of account showing what if anything he admits to be due for the satisfaction of the plaintiff's lien and all other liens of the same class as the plaintiff's. Such statement is to be filed at least four days before the day named in the certificate mentioned in section 5 for taking accounts, and in case the owner shall not file such statement, or shall file an untrue statement he may be ordered by the master or referee to pay all costs incurred in establishing the true amount due and owing from him.

Other lienholders to file accounts.

11. All lienholders of the same class served with the appointment, or who may claim to be entitled to the benefit of the action, shall also within four days before the day named in the appointment for taking accounts, file in the office of the master or referee a statement of account, showing the just and true sum due to them respectively, after giving credit for all sums in cash, merchandise or otherwise to which the debtor is entitled to credit on account of their respective claims, which accounts shall be verified by affidavit, and such accounts and affidavit may be in the form mentioned in the Schedule hereto.

Lienholder not filing his claim in time may apply to be let in.

12. A lienholder who has not filed his claim within the time limited by the next preceding section may apply to the master or referee to be let in to prove his claim at any time before the amount realized by the proceedings for the satisfaction of liens has been distributed, and such application may be granted or refused and upon such terms as to costs and otherwise as may appear just.

Master to take accounts, etc., and report.

13. Upon the return of the appointment to take accounts, the master or referee shall proceed to take an account of what is due from the owner and also what is due to the respective lienholders and incumbrancers who have filed their claims, and shall also tax to them respectively such costs as he may find them entitled to, and shall settle their priorities, and shall make all other inquiries and take all other necessary accounts for the adjustment of the rights of the various parties, including therein where there is a prior mortgage or charge and the holder thereof is a party to the proceedings, the amount by which it shall appear to the master or referee that the selling value of the land has been increased by reason of the work or materials for which a lien is claimed on the land, and shall thereupon make a report of the result of such inquiries and accounts, and shall direct that the money found due by the owner shall be paid into court to the credit of the action, at the expiration of one month from the date of the report.

Costs to be in discretion of master.

14. In case any dispute arises as to the amount due from the owner for the satisfaction of the mechanics' liens, or as to the amount claimed to be due to any lienholder or incumbrancer, the costs occasioned by the dispute shall be in the discretion of the master or referee, and shall be borne and paid as he directs.



15. If nothing is found due by the owner, the master or referee may make an order staying all further proceedings, and make such order as to costs as shall be just, and at the expiration of fourteen days thereafter, may grant a certificate vacating the lien of the plaintiff and all other liens of the same class as the plaintiff's, unless the issue of the certificate shall in the meantime be stayed, and if such stay is granted, the certificate may issue forthwith after the removal of the stay or so soon thereafter as the fourteen days shall expire.

Procedure where nothing found to be due by owner.

16. Where anything is found due by the owner he may, on or at any time before the day appointed for payment, pay the amount found due by him into court, and thereupon, upon proof of such payment, the master or referee may grant *ex parte* a certificate in the form in the Schedule vacating the liens of the plaintiff, and all other liens of the same class as the plaintiff's.

Payment of amount found due into court.

17. The master or referee may make such order as to the owner's costs of obtaining and registering any certificate vacating a lien as may be just.

Owner's costs where lien vacated.

18. Upon the registration in the proper registry office of a certificate vacating any lien or liens the same shall be thereupon vacated and discharged.

Registration of certificate vacating lien.

19. Upon payment into court of the amount which may be found due by the owner the same shall (subject to the payment of any costs thereout as may be ordered) be paid out to the parties found entitled by the report of the master or referee.

Distribution of amount paid in by owner.

20. In default of payment by the owner within the time directed by the report, the plaintiff may apply *ex parte* to the said master or referee who, upon due proof of the default, may issue a judgment for the sale of the land in question for the satisfaction of the lien of the plaintiff and other liens of the same class.

Judgment for sale of land on default of owner.

21. The judgment for sale may be in the form set forth in the Schedule.

Form of judgment.

22. Such judgment for sale shall be entered as other judgments are required to be entered, in the proper office for entering judgments in the county in which the judgment is made, and shall have the same force and effect as a judgment made at the trial of an action between the same parties.

Entry of judgment.

23. The sale under said judgment shall be conducted in the manner prescribed by the Consolidated Rules respecting sales had under the order of the court.

Conduct of sale.

24. After the sale the master or referee shall make his report upon the sale, and shall tax the costs of the sale to the party entitled thereto, and shall in the same report apportion the moneys realized among the parties entitled thereto, and upon the confirmation of the report the moneys realized may be paid out of court to the parties found entitled thereto by the report, without further order.

Master to make report on sale and tax costs.

25. For the purpose of the proceedings to obtain an order for sale and for carrying out the sale and the apportionment of the moneys realized thereunder, the plaintiff shall be

Plaintiff to represent lien-holders in proceedings for sale.

deemed sufficiently to represent all other lienholders entitled to the benefit of the action, unless the court or master or referee otherwise orders.

Carriage of proceedings.

**26.** Any lienholder entitled to the benefit of the action may apply for the carriage of the proceedings, and the master or referee may thereupon make such order as to costs and otherwise as may be just, and any lienholder who obtains the carriage of the proceedings shall in respect of all proceedings taken by him be deemed to be the plaintiff in the action.

Dismissal of proceedings for want of prosecution.

**27.** Any person affected by the proceedings may apply to the master or referee to dismiss the same for want of due prosecution, and the master or referee may make such order upon the application as to costs or otherwise as may be just.

Official guardian to be served for infants.

**28.** Where any infants are named as defendants the appointment referred to in section 5 may be served upon the official guardian *ad litem* for such infants, who shall thereupon become and be the guardian *ad litem* for such infant in the proceedings; and it shall not be necessary to serve any such infant defendant with any further or other proceedings, and such infant shall be bound thereby.

Costs not to exceed 25 per cent. of amount realized.

**29.** Where the taxed costs of the proceedings to enforce any mechanic's lien which are payable out of the amount realized by such proceedings for the satisfaction of the lien shall exceed 25 per cent. of the amount realized thereby for the satisfaction of the lien, such costs shall be reduced proportionately by the master or referee, so as the same shall not in the aggregate exceed the said 25 per cent., and no more costs than such reduced amount shall be recoverable between party and party, or solicitor and client.

Judgment for balance after realizing amount of lien.

**30.** After the amount of the lien shall be realized any lienholder who has proved a claim may apply to the said master or referee upon notice to his primary debtor for judgment for the payment of any balance which may remain due after deducting the amount received or payable in respect of the lien, and thereupon the master or referee may refuse the application upon such terms as to costs or otherwise as may be just, or in case he sees fit to grant the application he shall grant a certificate of the amount for which he finds the applicant is entitled to judgment for debt and costs.

When judgment to be entered in High Court;

**31.** Such certificate may be filed in the proper office of the High Court for the entry of judgment if the amount awarded exceeds the sum of \$400, and the same shall thereupon be entered in the judgment book, and shall thereupon become a judgment of the High Court, and may be enforced in like manner as any other judgment for the payment of money is enforced in the High Court.

and when in county court;

**32.** Where the amount awarded by the certificate is less than \$400 but exceeds \$100, such certificate may in like manner be entered in the County Court of the county in which the said proceedings are carried on, and may be enforced in like manner as a judgment of such court.



**33.** Where the amount awarded does not exceed \$100 and when in division court. the certificate may be entered with the clerk of the Division Court of the division in which the debtor resides in like manner as a judgment of such court is entered, and thereupon the same shall become and be a judgment of such court, and may be enforced in like manner as any other judgment of such Division Court.

**34.** The fees payable for entering such certificate as a judgment shall be as follows:—



In the High Court.....	\$1.60
In the County Court. ....	80
In the Division Court .....	50

Fees for entering certificate.



**35.** Orders and certificates made by a referee or master Appeals. under the Act shall be appealable in like manner as orders made in Chambers by a local judge.

 **36.** This Act shall not in any way affect, alter or diminish the jurisdiction or procedure of the county courts and division courts for enforcing mechanics' liens in a summary manner as provided by the 28th section of *The Mechanics' Lien Act*, save in so far as sub-section 1 of section 30 of the said Act is hereby amended. 



Act not to affect summary enforcement of mechanics' liens.



 **37.** Where an action to enforce a mechanics' lien is brought and prosecuted in the High Court of Justice, otherwise than in the manner prescribed by this Act, no more costs shall be taxed or allowed to the plaintiff than would be incurred by proceeding in the manner prescribed by this Act, unless the court or judge otherwise orders. 

Costs where action improperly brought in High Court.

 **38.** A proceeding under this Act shall be deemed to be an "action." 

Proceedings to be deemed an action.

 **39.** Sub-section 1 of section 30 of *The Mechanics' Lien Act* is amended so as to read as follows:— 

 **30.—(1)** Any number of lienholders may join in one action or summary proceeding, and any action or summary proceeding brought by a lienholder shall be taken to be brought on behalf of all the lienholders of the same class who shall have registered their liens before or within fourteen days after the commencement of the action, or who shall within the said fourteen days or within such further time as may be allowed for that purpose file in the proper office of the court where the pleadings are required to be filed (where the action has been commenced by writ), or in the office where the proceedings are being carried on (where they are being prosecuted in a summary manner a statement entitled in or referring to the said action of their respective claims. 

Action by lienholder to be for joint benefit.

**40.** This Act shall be read as part of *The Mechanics' Lien Act* subject to the provisions of this Act.

Act incorporated with Rev. Stat. c. 126.

## SCHEDULE OF FORMS.

## FORM 1.

## AFFIDAVIT VERIFYING CLAIM.

*Style of Court and Cause.*

I, etc.,                      make oath and say, that I have read (or heard read) the foregoing statement of claim, and I say that the facts therein set forth are to the best of my knowledge and belief true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all sums of money or goods or merchandise to which the (*naming the debtor*) is entitled to credit as against me.

---

## FORM 2.

## CERTIFICATE AND APPOINTMENT TO BE SERVED.

*Style of Court and Cause.*

I certify that the above-named plaintiff claiming to be a contractor with the defendant (*naming the owner*) [or (*a sub-contractor of the defendant A.B.*) who is (*or claims under C. D.*) a contractor with (*naming the owner*)] has filed in my office a statement of his claim to enforce a mechanic's lien against (*describe the lands*).

And take notice, that I will at my office, at the town of \_\_\_\_\_, in \_\_\_\_\_, proceed on \_\_\_\_\_ the day of \_\_\_\_\_, to determine whether the plaintiff is entitled to the lien in case his right thereto is disputed, and on the \_\_\_\_\_ day of \_\_\_\_\_ I will, in case his right is undisputed, or if disputed is established before me, \_\_\_\_\_ proceed and take all necessary accounts and tax costs for the purpose of enforcing such lien, and if you do not attend at the time and place appointed and prove your claim, if any, the proceedings will be taken in your absence, and you may be deprived of all benefit of the proceedings.

## FORM 3.

## NOTICE DISPUTING PLAINTIFF'S RIGHT OF LIEN.

*Style of Court and Cause.*

I dispute that the plaintiff is now entitled to a mechanics' lien on the following lands (*setting forth grounds shortly*):—

(a) That the lien has not been prosecuted in due time as required by statute.

(b) That there is nothing due to the plaintiff.

---



(c) That the plaintiff's lien has been vacated and discharged.

(d) That there is nothing due by *A. B.* (*the owner*) for the satisfaction of the plaintiff's claim.

(*Signature of defendant in person, or his solicitor*).

This notice is filed by *A. B.*, defendant, in person, and my address for service is (*stating address, within two miles of office of master or referee*) or, This notice is filed by *Y. Z.*, of solicitor for the defendant *A. B.*

---

#### FORM 4.

##### STATEMENT OF ACCOUNT TO BE FILED BY OWNER.

*Style of Court and Cause.*

Amount of contract price for work contracted to be performed by *A. F.* as plumber on the lands in question herein..... \$500 00

Amounts paid on account—

June 1, 1889, paid *E. F.*... \$200 00

July 5, 1889, " *G. H.* and

*B. K.*, sub-contractors of

*E. F.* ..... 100 00

---

\$300 00

Balance admitted to be due..... \$200 00

for satisfaction of lien of plaintiff and other lienholders of same class as plaintiff.

---

#### FORM 5.

##### AFFIDAVIT OF OWNER VERIFYING ACCOUNT.

*Style of Court and Cause.*

I, *A. B.*, of being the owner of the lands in question in this action, make oath and say: I have in the foregoing account (*or* account now shewn to be marked A) set forth a just and true account of the amount of the contract price agreed to be paid by me to *E. F.* for the work contracted to be done by him on the lands in question.

I have also justly and truly set forth the payments made by me on account thereof, and the persons (*or* person) to whom the same were made. And the balance of (\$200.00) appearing by such account to be still due and payable is the just and true sum now due and owing by me in respect of my contract with the said *E. F.*

Sworn etc.

---



## FORM 6.

## STATEMENT OF ACCOUNT BY LIENHOLDER.

*Style of Court and Cause.*

E. F.

D. to G. H.

1889.

Jan. 1—To 12 doz. brackets . . . . .	\$12 00
Feb. 3— “ 50 lbs of nails . . . . .	5 00
Oct. 3— “ 40 sheets of glass . . . . .	40 00
	<hr/>
	\$57 00

1889.

Cr.

Feb. 4—By cash . . . . .	\$ 4 00
June 5— “ goods . . . . .	20 00
	<hr/>
	\$24 00
	<hr/>
	\$33 00

## FORM 7.

## AFFIDAVIT OF LIENHOLDER VERIFYING CLAIM.

*Style of Court and Cause.*

I, G. H., of (address and occupation)

make oath and say

I have in the foregoing account (or in the account now shown to me marked A) set forth a just and true account of the amount due and owing to me by E. H., (the owner) (or by E. F., who is a contractor with the defendant L. G., (the owner) of the lands in question, and I have in the said account given credit for all sums in cash or merchandise or otherwise to which the said E. F. is justly entitled to credit in respect of the said account and the sum of (\$33 00) appearing by such account to be due to me as the amount (or balance) of such account is now justly due and owing to me.

Sworn, etc.

(Address of claimant or his solicitor for service to be stated at foot is in Form No. 3.)

## FORM 8.

## JUDGMENT FOR SALE.

*Style of Court and Cause.*

Date

Upon motion of the aforesaid plaintiff and upon hearing read the statement of claim the report made herein on the day of and the certificate of the accountant

It is ordered and adjudged that the lands in question (*describe the lands*) be forthwith sold with the approbation of (the master of this court at \_\_\_\_\_ or W. X., Esq., an official Referee of this court at \_\_\_\_\_)

That the purchase money be paid into court to the credit of this action.

That all proper parties do join in the conveyances to the purchasers as the said (*master or referee*) may direct.

That the proceeds of the said sale be paid out of the court to the parties who may be found entitled by the said (*master or referee*).

Signed this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18

(*Signature of master or referee.*)

Entered this \_\_\_\_\_ day of \_\_\_\_\_ A.D.

(*Signature of officer in whose office judgment is entered.*)

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### FORM 9.

#### CERTIFICATE VACATING LIEN.

*Style of Court and Cause.*

Date \_\_\_\_\_

I certify that the defendant A. B. (*the owner*) has paid into court to the credit of this cause all money due and payable by him for the satisfaction of the liens of the plaintiff and E. F., G. H., I. J. & K. L., and their liens are hereby vacated and discharged so far as the same affect the following lands (*describe lands*).

(*Signature of master or referee.*)

---

### FORM 10.

#### CERTIFICATE VACATING LIEN.

*Style of Court and Cause.*

Date \_\_\_\_\_

I certify that I have inquired and find that the plaintiff is not entitled to any mechanics' lien upon the lands of the defendant A. B. (*the owner*) and that his claim of lien is hereby vacated and discharged so far as the same affects the following lands (*describe lands*).

(*Signature of master or referee.*)

## FORM 11.

## CERTIFICATE FOR JUDGMENT FOR BALANCE AFTER REALIZATION OF LIEN.

*Style of Court and Cause.*

Date

Upon the application of *A. B.* on due notice to *C. D.* I do certify that *A. B.* is entitled under the provision of the Act to recover against *C. D.* \$            debt and \$            costs, and that upon filing of this certificate in the proper office of (this Court or the County Court of the county of            or the 1st Division Court of the county of            ) he is entitled to enforce the same a sa judgment of that court.



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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to simplify the procedure for  
enforcing Mechanics' Liens.

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First Reading,	12th March,	1890.
Second	"	18th " 1890.

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*(Reprinted as again amended by Committee  
of the Whole House.)*

THE ATTORNEY-GENERAL.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to amend The General Road Companies' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1—(1) Every county council may name and appoint by by-law an engineer to carry out the provision of this Act, and such engineer shall be and continue an officer of such corporation until his appointment is repealed by by-law and another appointed in his stead, who shall have authority as well to take as to continue any proceeding already commenced under this Act.

Appointment of engineers by county council.

(2) The word "engineer" in this Act shall mean civil engineer, land surveyor, or such person as any county council may deem competent to perform the duties required under this Act.

"Engineer," meaning of.

2 Whenever a road, or portion of a road or bridge, constructed or acquired by a company and subject to *The General Road Companies' Act* on which tolls have been taken is suffered by such company to get out of repair, the said engineer may upon the requisition of one or more freeholders residing within one mile from the road, or upon the requisition of any municipal council within such county, stating that the road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, examine the road or bridge.

Examination of roads when out of repair, upon requisition.

3. Such examination shall not be made until at least one clear day's written notice of such requisition (signed by the said freeholders or one of them, or by the head of such council) has been given to the Company by leaving the same with any of the keepers of the toll-gates belonging to the Company. R.S.O., c. 159, ss. 99, 100-192.

Notice of requisition to be given to company.

4. The engineer one clear day after the notice so to be given has been left with the keeper of the toll-gate shall immediately inspect and examine the road or bridge; and, if upon such examination the road or bridge is found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, he shall notify the president of the Company to which the road belongs, by leaving a written notice at the office or place of business of the president if there is such office or place of business within the county wherein the road is situated and the office or place of business is known to the engineer, and if not so known then by leaving

Engineer to examine road and notify company of want of repair.

the notice with any of the keepers of the toll-gates. R.S.O., c. 159, s. 102 (1).

Contents of  
notice to  
company.

5. The notice by the engineer shall state that in pursuance of a requisition from [naming the freeholders upon whose requisition he has acted] he has inspected the road or bridge and found it to be out of repair and shall specify the particular portions or portion of the road or bridge which he finds out of repair, and require them to take notice thereof, and to cause the same to be repaired within a certain time to be named in the notice; and the time shall be such as in the opinion of the engineer will be sufficient for making the required repairs; and such notice shall include a statement of the cost and charges of such engineer, the same not being such as to be inconsistent with the fees established by law to be taken by land surveyors on proceedings in courts. R.S.O., c. 159, s. 102 (2); R.S.C., c. 178, 558; R.S.O., c. 152, s. 25.

Engineer to  
re-examine  
road on ex-  
piration of  
time limited.

6. At the expiration of the time limited in the notice for the repairing of the road, the engineer shall again examine the road, and if he finds the same repaired in a good and efficient manner, he shall certify the same if required by the directors or municipal council.

Engineer may  
extend time  
for repairing  
road.

7. If he does not find and certify that the road or bridge has been properly repaired at the expiration of the time limited in the notice for the repairing of the road, he may in his discretion, by a permission in writing, allow further time for repairing the same without discontinuing the taking of tolls.

Tolls to cease  
until road  
repaired.

8. If he does not think proper to grant such permission, or if having granted it he does not find the road properly repaired at the expiration of the time limited in such permission then, until such repairs are completed, the directors shall not demand or take any toll from any person travelling with or without any beast or vehicle, or passing through the nearest toll gates whereat tolls were being collected at the time of the notice on either side of the portion or portions of road so notified as out of repair, under the penalty mentioned in section 108 of *The General Road Companies' Act*, until the engineer has again examined the road, and certified it to be in good and efficient repair. R.S.O., c. 159, s. 103.

Effect of  
special report  
by engineer.

9. It shall be competent for the engineer to make a special report if he shall see fit, in terms of sub-section 3 of section 102 of *The General Road Companies' Act*, which upon service thereof on the directors of the company to which the road or roads belong shall have the effect in such sub-section mentioned, until such engineer has again examined the road and certified it to be in good and efficient repair, or unless the judge otherwise order as by said sub-section enacted.

Powers of  
engineer and  
appeal to  
county judge.

10. The engineer shall have the authority given by sections 105, 106, 107, 108 and 109 of the said Act to the county judge. His action shall be subject to appeal to the county judge; the proceedings for which appeal shall be the same (as nearly as may be) as the proceedings on an application to the county judge as set forth in section 104 of the said Act.

**11.** Sections 111 to 121 of the said Act inclusive are to <sup>Application of</sup>  
apply in the same manner and to the same extent as if the <sup>Rev. Stat. c.</sup>  
engineer had been appointed by the county judge in terms of <sup>159, §§. 11-21.</sup>  
section 100.

No. 222.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The General Road  
Companies' Act.

First Reading, 13th March, 1890.

MR. MCKAY.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

## An Act to amend The General Road Companies' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1—(1) Every county council shall nominate and appoint by by-law an engineer to carry out the provisions of this Act, and such engineer shall be and continue an officer of such corporation until his appointment is repealed by by-law and another appointed in his stead, who shall have authority as well to take as to continue any proceeding already commenced under this Act. Appointment of engineers by county council.

(2) The word "engineer" in this Act shall mean civil engineer, land surveyor, or such person as any county council may deem competent to perform the duties required under this Act. "Engineer," meaning of.  
R.S.O., c. 220, s. 2.

2. Whenever a road, or portion of a road or bridge, constructed or acquired by a company and subject to *The General Road Companies' Act* on which tolls have been taken is suffered by such company to get out of repair, the said engineer may upon the requisition of *three* or more freeholders residing within one mile from the road, or upon the requisition of any municipal council within such county, stating that the road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, examine the road or bridge. Examination of roads when out of repair, upon requisition.

3. Such examination shall not be made until at least *two* clear day's written notice of such requisition (signed by the said freeholders or one of them, or by the head of such council) has been given to the company by leaving the same with any of the keepers of the toll-gates belonging to the company. R.S.O., c. 159, ss. 99, 100-192. Notice of requisition to be given to company.

4. The engineer *two* clear days after the notice so to be given has been left with the keeper of the toll-gate shall immediately inspect and examine the road or bridge; and, if upon such examination the road or bridge is found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, he shall notify the president of the company to which the road belongs, by leaving a written notice at the office or place of business of the president if there is such office or place of business within the county wherein the road is situated and the office or place of business is known to the engineer, and if not so known then by leaving Engineer to examine road, and notify company of want of repair



the notice with any of the keepers of the toll-gates. R.S.O., c. 159, s. 102 (1).

Contents of  
notice to  
company.

5. The notice by the engineer shall state that in pursuance of a requisition from [naming the freeholders upon whose requisition he has acted] he has inspected the road or bridge and found it to be out of repair and shall specify the particular portions or portion of the road or bridge which he finds out of repair, and require them to take notice thereof, and to cause the same to be repaired within a certain time to be named in the notice; and the time shall be such as in the opinion of the engineer will be sufficient for making the required repairs; and such notice shall include a statement of the cost and charges of such engineer, the same not being such as to be inconsistent with the fees established by law to be taken by land surveyors on proceedings in courts, and the same shall be subject to taxation by the judge of the county court at the instance of the company or owner. R.S.O., c. 159, s. 102 (2); R.S.C., c. 178, 558; R.S.O., c. 152, s. 25.

Engineer to  
re-examine  
road on ex-  
piration of  
time limited.

6. At the expiration of the time limited in the notice for the repairing of the road, the engineer shall again examine the road, and if he finds the same repaired in a good and efficient manner, he shall certify the same if required by the directors or municipal council.

Tolls to cease  
until road  
repaired.

7. If he does not find the road properly repaired at the expiration of the time limited, then until such repairs are completed the directors shall not demand or take any toll from any person travelling with or without any beast or vehicle, or passing through the nearest toll gates whereat tolls were being collected at the time of the notice on either side of the portion or portions of road so notified as out of repair, under the penalty mentioned in section 108 of *The General Road Companies' Act*, until the engineer has again examined the road, and certified it to be in good and efficient repair. R.S.O., c. 159, s. 103.

Effect of  
special report  
by engineer.

8. It shall be competent for the engineer to make a special report if he shall see fit, in terms of sub-section 3 of section 102 of *The General Road Companies' Act*, which upon service thereof on the directors of the company to which the road or roads belong shall have the effect in such sub-section mentioned, until such engineer has again examined the road and certified it to be in good and efficient repair, or unless the judge otherwise order as by said sub-section enacted.

Powers of  
engineer and  
appeal to  
county judge.

9. The engineer shall have the authority given by sections 105, 106, 107, 108 and 109 of the said Act to the county judge. His action shall be subject to appeal to the county judge; the proceedings for which appeal shall be the same (as nearly as may be) as the proceedings on an application to the county judge as set forth in section 104 of the said Act.

Application of  
Rev. Stat. c.  
159, ss. 11-21.

10. Sections 111 to 121 of the said Act inclusive are to apply in the same manner and to the same extent as if the engineer had been appointed by the county judge in terms of section 100.



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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The General Road  
Companies Act.

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First Reading,	13th March,	1890.
Second     "	21st	1890.

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*(Reprinted as amended by Municipal  
Committee.)*

MR. MCKAY.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the Language of Instruction in the  
Public and Separate Schools.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. English shall be the language of every public and separ- English to be  
5 ate school in this province. the language  
of schools.
2. Save as provided by section 7 of this Act, no other lan- No other lang-  
guage than the English shall be taught in any public or separate uage to be  
school in the province. taught.
3. No teacher shall be employed or permitted to teach in Teachers to be  
10 any public or separate school in this province unless he is capa- able to speak  
ble of speaking the English language and of conducting the and teach in  
proceedings of his school according to the programme of English.
4. Nothing herein contained is to prevent a teacher, where When pupil  
15 it is impracticable, by reason of any pupil not being able to understand Eng-  
lish.  
understand the instruction which he desires to convey if given in English, from imparting it to him in any language which  
such pupil is able to understand.
5. It shall be the duty of the school inspector to report at School in-  
20 least once in every six months upon every school under his spector to re-  
charge in which any other language than the English is taught, port cases of  
and in such report to certify as to whether the provisions of other lang-  
this Act are being complied with, and any violations thereof uages being  
which have taken place, and also to report at least once in used.
- 25 every six months the number of pupils attending each school  
under his charge who are not able to receive instruction by  
means of the English tongue.
6. Every teacher who shall be guilty of a wilful violation Penalty for  
of the provisions of this Act, shall be disqualified from teach- teaches violat-  
30 ing in any public or separate school in this province. ing Act.
7. And whereas, in certain portions of the province it has Other lang-  
been permitted for many years past that a language other than uages may be  
the English be taught in the schools, and it is expedient to used in certain  
make temporary provision with regard to the schools therein, schools for one  
35 it is therefore enacted that in those parts of the Province hour each day.  
in which schools now exist wherein any language other than the  
English is taught, such other language may, until the Legisla-  
ture shall otherwise enact, be continued to be taught for such  
period not exceeding one hour per day, as the trustees may  
40 direct.

Proviso.

Provided always that the instruction"given in such other language shall not interfere with, but shall be in addition to the course of study prescribed for such schools in English; that only such text books shall be used as shall be authorized by regulation of the Department of Education; that such instruction shall be confined to reading, grammar and composition, and shall be given only to those pupils whose parents or guardians shall request it. 5

Section 7 to  
cease to apply  
in certain  
cases.

8. If it shall appear by the report of the inspector that the provisions of this Act are not being in good faith carried out 10 in any school, the provisions of section 7 shall, after notice has been given to the trustees of the school of such report, and failure by them for one month to remedy what is reported against, cease to apply to such school.

Repeal of  
inconsistent  
regulations.

9. All regulations of the Department of Education incon- 15 sistent with the provisions of this Act are hereby abrogated and repealed.





No. 223.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act respecting the Language of Instruction in the Public and Separate Schools.

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First Reading, 14th March, 1890.

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Mr. CRAIG.

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TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 224.]

## BILL.

[1890.

An Act to amend The Ontario Tree-Planting Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the province of Ontario, enacts  
as follows :

1. Section 5 of *The Ontario Tree-Planting Act* is amended  
5 by striking out the words "that the distance between any one  
tree and the tree nearest thereto is not less than thirty feet,"  
in the sixth and seventh lines thereof, and by inserting at the  
end of the said section the words following, "provided that in  
no case shall the council be liable to pay a larger sum in  
10 respect of trees planted under this Act than would be payable  
if the same had been planted at a distance of thirty feet  
apart."

Rev. Stat.  
c. 201, s. 5  
amended.

No. 224.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act to amend The Ontario Tree-Plant-  
ing Act.

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First Reading, 14th March, 1890.

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MR. FREEMAN.

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TORONTO:  
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

- 5   1. *The Municipal Act* is amended by inserting therein Rev. Stat. c.  
184 amended.  
after section 630, the following as section 630a:

630a.—(1) In addition to the powers conferred upon the Maintaining  
and repairing  
highways in  
townships.  
councils of townships by sections 612 to 628 both inclusive  
and by section 630 of this Act, the Council of any town-  
10 ship, under and subject to the provisions of said sections, may  
pass by-laws providing for the maintenance and repair of any  
highway or portion thereof within the jurisdiction of such  
council, and may define by the same or any subsequent by-  
law what real property will be immediately benefited by the  
15 work, and is to be charged with the cost thereof, and may  
also by by-law make provision for assessing and levying upon  
the property so defined the cost of such maintenance and  
repairs.

(2) Sub-section 3 of section 612 of this Act, shall not apply  
to works constructed or done under the provisions of this  
20 section.



BILL.

An Act to amend The Municipal Act.

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First Reading, 14th March, 1890.

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Mr. CHISHOLM.

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TORONTO:

PRINTED BY WATKINS & SONS, 68 AND 70 FRONT ST. W.

No. 226.]

## BILL.

[1890.

An Act to amend the Act to regulate Travelling on  
Public Highways and Bridges.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

5    1. Section 14 of the *Act to regulate Travelling on Public* Rev. Stat. c.  
Highways and Bridges is amended by adding thereto the 195, s. 14,  
amended.  
following proviso :

Provided always that when any highway or bridge upon Proviso.  
which a breach of any of the provisions of this Act has  
10 occurred belongs to any company, whether incorporated or  
not, or persons, if such company or persons undertake the  
prosecution of the offender, the fine that may be imposed upon  
the conviction of the offender, together with the costs of  
prosecution, shall be paid to such company or persons so prose-  
15 cuting.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend the Act to regulate  
Travelling on Public Highways and  
Bridges.

First Reading, 14th March, 1890.

MR. METCALFE

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W

No. 227.]

## BILL.

[1890.]

### An Act to amend The Assessment Act.

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

- 5   **1.** Sub-section 23 of section 7 of the Assessment Act is re-  
pealed, and the following substituted therefor :—
- (23) The annual income of any person to the amount of \$700.
2. Sub-section 24 of section 7 of the said Act is repealed.
3. Section 8 of the said Act is amended by striking out the  
10 words "from some trade, office, calling or profession," in the  
first and second lines, and by striking out the words "the  
Legislative Assembly and" in the sixth and seventh lines  
thereof.
4. Section 31 of the said Act is repealed.

Rev. Stat. c.  
193 s. 7, sub-  
section 23 re-  
pealed.

Exemption of  
income.

Rev. Stat. c.  
193 s. 7, sub-s.  
24 repealed.

Rev. Stat. c.  
193, s. 8  
amended.

Rev. Stat. c.  
193, s. 31  
repealed

NO. 227.

4th Session, 6th Legislature, 53 Vic., 1890

BILL.

An Act to amend The Assessment Act.

First Reading, 14th March, 1890.

Mr. INGRAM.

TORONTO:

PUBLISHED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



An Act to vest certain portions of the former St. Catharines, Thorold and Niagara Falls Road, in the Town of Niagara Falls and Township of Stamford.

WHEREAS the former proprietors of that part of the Preamble  
gravelled or macadamized road known as the St. Catharines, Thorold and Niagara Falls Road lying between Table Rock and a point about five miles distant therefrom  
5 along the said gravelled or macadamized road, and which said point is situate in the township of Stamford and county of Welland, were paid the value of the said road under an award made on an arbitration between the said proprietors and the commissioners of the Queen Victoria Niagara Falls Park; and  
10 whereas that portion of the said road which lies between Table Rock and the Niagara Falls Suspension Bridge, was, by an Act of the Legislature of Ontario, passed in the 51st year of Her Majesty's reign, and chaptered 7, vested in the said commissioners of the Queen Victoria Niagara Falls Park, and no dis-  
15 position has been made of that portion of the said road not within the park; and whereas the municipalities of the town of Niagara Falls and of the township of Stamford respectively desire to have vested in each of them respectively the other portions of such road not vested in the aforesaid commission-  
20 ers by the said Act, which lie between the Niagara Falls Suspension Bridge and said point so about five miles distant from said Table Rock, and so situate in the said township of Stamford, and have prayed for an Act accordingly; and where-  
as it is desirable to grant their petition, to the prayer of which  
25 the aforesaid commissioners offer no opposition;

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. There shall be vested in the town of Niagara Falls  
30 that portion of such gravelled or macadamized road between a point distant one chain west from the top of the bank near the Niagara Falls Suspension Bridge and the limit between the said town of Niagara Falls and the said township of Stamford proceeding in a westwardly direction, and that there shall be  
35 vested in the township of Stamford the remaining portion of such gravelled or macadamized road which lies between the limits of the said municipalities of the said township of Stamford and said town of Niagara Falls to the westerly end of said macadamized road, about five miles distant from the Table  
40 Rock as aforesaid.

Certain portions of road vested in town of Niagara Falls and township of Stamford.

BILL.

An Act to vest certain portions of the former St. Catharines, Thorold and Niagara Falls Road, in the Town of Niagara Falls and Township of Stamford.

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First Reading, 14th March, 1890.

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THE ATTORNEY-GENERAL.

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TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to Amend 'The Timber Slide Companies Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Wherever, in *The Timber Slide Companies Act*, the words "the Commissioner of Public Works" occur, the same shall be struck out, and the words "the Commissioner of Crown Lands" shall be substituted therefor.

Commissioner of Crown Lands substituted for Commissioner of Public Works.

2. The following shall be inserted in the said Act, immediately after section 8 :—

Rev. Stat. c. 160 amended.

8a. The schedule of tolls so proposed to be collected shall be published for one month from the date of the report containing such schedule in some paper published in the county or counties, district or districts in which, or nearest to which, the works are situate.

Publication of schedule of tolls.

3. Section 9 of said Act is hereby repealed, and the following substituted therefor :

Rev. Stat. c. 160, s. 9, repealed.

9. Thirty days after the first day of publishing such schedule of tolls, and not less than thirty days after the said report has been laid before the municipal council or councils, as the case may be, the Commissioner of Crown Lands shall consider the said report, and in case he approves of the proposed works he shall report such approval to the Lieutenant-Governor, who may thereupon direct the issue of a charter.

Commissioner to consider and approve report before issue of charter

4. Section 41 of said Act is hereby amended by inserting after the word "year," in the third line thereof, the following : "which schedule shall be published in manner provided by section 8a hereof, prior to the first day of March in each year."

Rev. Stat. c. 160, s. 41, amended.

5. Section 54 of said Act is hereby amended by inserting after the words "the Commissioner of Crown Lands," in the eleventh line thereof, the following : "or unless on any part or parts of such work appearing to be unnecessary the same is dispensed with by such by-law or by the Commissioner of Crown Lands," and by adding at the end thereof the following : "unless on the maintenance of the part or parts so abandoned becoming unnecessary, owing to the clearance or removal of the timber from the immediate neighbourhood thereof, or otherwise the abandonment of the same is permitted by such by-law or by the Commissioner of Crown Lands."

Rev. Stat. c. 160, s. 54, amended.

6. Section 3 of said Act is hereby amended by adding at the end thereof the following "nor until notice of the application for a charter has been served upon all timber limit owners

Rev. Stat. c. 160, s. 3, amended.

and other parties known to be interested in the works proposed to be constructed, who shall also have the option at any time before the issue of a charter of becoming shareholders in the company in proportion to their interests involved."

Rev. Stat. c.  
160, s. 47,  
amended.

7. Section 47 of the said Act is amended by adding thereto 5  
the following sub-section :

Seizure of tim-  
ber for tolls in  
certain  
streams.

(2) In addition to the rights of seizure for tolls provided for  
by said section when the works through which any timber is  
passed are in whole or in part constructed upon or along any  
river or stream tributary to any river or stream which flows 10  
into the Georgian Bay, Lake Huron, or Lake Superior, or upon  
or along any of such last named rivers or streams, the right of  
seizure for tolls in said section provided for shall continue  
while the timber remains in the said last named river or  
stream, whether the timber be within the said twenty miles or 15  
otherwise.





No. 229.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Timber Slide  
Companies Act.

First Reading, 17th March, 1890.

MR. HARDY.

TORONTO :  
Published by WILKINSON & SONS, 68 AND 70 FRONT ST. W.

## An Act to Amend The Timber Slide Companies Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Wherever, in *The Timber Slide Companies Act*, the words "the Commissioner of Public Works" occur, the same shall be struck out, and the words "the Commissioner of Crown Lands" shall be substituted therefor.

Commissioner of Crown Lands substituted for Commissioner of Public Works.

2. The following shall be inserted in the said Act, immediately after section 8 :—

Rev. Stat. c. 160 amended.

8a. The schedule of tolls so proposed to be collected shall be published for one month from the date of the report containing such schedule in some paper published in the county or counties, district or districts in which, or nearest to which, the works are situate.

Publication of schedule of tolls.

3. Section 9 of said Act is hereby repealed, and the following substituted therefor :

Rev. Stat. c. 160, s. 9, repealed.

9. Thirty days after the first day of publishing such schedule of tolls, and not less than thirty days after the said report has been laid before the municipal council or councils, as the case may be, the Commissioner of Crown Lands shall consider the said report, and in case he approves of the proposed works he shall report such approval to the Lieutenant-Governor, who may thereupon direct the issue of a charter.

Commissioner to consider and approve report before issue of charter

4. Section 41 of said Act is repealed, and the following substituted therefor :—

Rev. Stat. c. 160, s. 41 repealed.

(41) The annual account required to be rendered by every company shall contain a schedule of the tolls calculated as aforesaid, which it is proposed to collect in the following year, which schedule shall be published in manner provided by section 8a hereof prior to the first day of March in each year, and if it has not been notified to the president of the company on or before the fifteenth day of April in each year, that the schedule of tolls has been disallowed by an order of the Commissioner of Crown Lands, such tolls so published shall be the lawful tolls for that year; but if it appears to the Commissioner of Crown Lands, that the proposed schedule of tolls has not been calculated according to the true intent, and meaning of this Act, then the Commissioner may, by an instrument under his hand, alter or vary the schedule of tolls so as to make them correspond with the true meaning of this Act; and the amended schedule of tolls shall be notified to the president of the company, and shall by him be published immediately thereafter *for two weeks in such newspaper*, and shall be the lawful tolls for that year. Should no change be made by the commissioner a notice of that fact shall be published for two weeks in such newspaper.

Annual account to be rendered by company to contain a schedule of tolls.

Rev. Stat. c.  
160, s. 54,  
amended.

5. Section 54 of said Act is hereby amended by inserting after the words "the Commissioner of Crown Lands," in the eleventh line thereof, the following: "or unless on *any work* or any part or parts of such work appearing to be unnecessary the same is dispensed with by such by-law or by the Commissioner of Crown Lands," and by adding at the end thereof the following: "unless on the maintenance of the *work or any* part or parts so abandoned becoming unnecessary, owing to the clearance or removal of the timber from the immediate neighbourhood thereof, or otherwise the abandonment of the same is permitted by such by-law or by the Commissioner of Crown Lands."

Rev. Stat. c.  
160, s. 3,  
amended.

6. Section 3 of said Act is hereby amended by adding at the end thereof the following "nor until notice of the application for a charter has been served upon all timber limit owners and other parties known to be interested in the works proposed to be constructed, who shall also have the option at any time before the issue of a charter of becoming shareholders in the company in proportion to their interests involved."

Rev. Stat. c.  
160, s. 47,  
amended.

7. Section 47 of the said Act is amended by adding thereto the following sub-section:

Seizure of timber for tolls in certain streams.

(2) In addition to the rights of seizure for tolls provided for by said section when the works through which any timber is passed are in whole or in part constructed upon or along any river or stream tributary to any river or stream which flows into the Georgian Bay, Lake Huron, or Lake Superior, or upon or along any of such last named rivers or streams, the right of seizure for tolls in said section provided for shall continue while the timber remains in the said last named river or stream, whether the timber be within the said twenty miles or otherwise. And where such works are constructed upon or along any river or stream in the Province of Ontario, tributary to the Ottawa River, the right of seizure for tolls, shall continue while the timber remains in such tributary river or stream, whether within the said twenty miles or not. But this section shall not extend the time for such seizure beyond thirty days.

Rev. Stat.,  
c. 160, s. 40,  
repealed.

8. Section 40 of *The Timber Slide Companies' Act* is hereby repealed and the following substituted therefor:


Ratio of tolls.

40. The tolls to be collected upon different kinds of timber shall bear to each other the following proportions, viz.:


		\$	cts.
Red and white pine, tamarac, spruce and hemlock, square or waney board.....	per piece	0	1
Oak, elm and other hardwood, square or flatted or waney board.....	"	0	1½
Spars.....	"	0	3
Masts.....	"	0	5
Sawlogs, 17 ft. and under.....	"	0	1/6
Red and white pine, tamarac, spruce and hemlock, round or flatted, over 17 ft. and under 25 ft. long.....	"	0	1/4
Red and white pine, tamarac, spruce and hemlock round or flatted, 25 ft. to 35 ft. long.....	"	0	1/3

Red and white pine tamarac, spruce and hemlock, round or flatted, 35 ft. and upwards in length.....	"	0	1	2
Sawed lumber, board measure.....	per 1,000 ft.	0	3	
Staves.....	"	0	15	
Cords of wood, shingle bolts and other lumber.....	} per cord } of 128 feet	0	2	
Railway ties other than cedar, in 8 or 16 ft. lengths.....	per l'h of 8 ft.	0	1/18	
Cedar, round or flatted, 8 ft. long or under.....	per piece	0	1/24	
Cedar, round or flatted, over 8 ft. and under 17 ft. long.....	"	0	1/12	
Cedar, round or flatted, over 17 ft. and under 25 feet long.....	"	0	1/8	
Cedar, round or flatted, over 25 ft. and under 35 ft.....	"	0	1/5	
Cedar, round or flatted, 35 ft. and upwards.....	"	0	1	3




 **9.** Section 20 of said Act is amended by adding the following sub-section thereto :—

Rev. Stat., c.  
160, s. 20,  
amended.

(9) A detailed description of any extension or improvement of the works or of any new works proposed to be undertaken in the following year, together with an estimate of the cost thereof. 

 **10.** Section 59 of said Act is amended by adding the following sub-section thereto :—

Rev. Stat., c.  
160, s. 59,  
amended.

(2) In case any extension or improvement of the works or any new works proposed to be undertaken are, after submission to the municipal council or councils as the case may be as provided in section 4 and after the time limited by section 9 of this Act, approved by the Commissioner of Crown Lands, he shall report such approval to the Lieutenant-Governor who may thereupon direct the issue of supplementary letters patent authorizing the construction of such extension or improvement or such new works as the case may be. 

No. 229.

4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act to amend The Timber Slide  
Companies' Act.

First Reading,	17th March,	1890.
Second "	26th "	1890.

*(Reprinted as again amended by Com-  
mittee of the Whole House.)*

MR. HARDY.

TORONTO :

PRINTED BY WARREN & SONS, 68 AND 70 FRONT ST. W.



## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

5   1. Paragraph (a) of sub-section 3 of section 495 of *The Municipal Act* is amended by adding after the word "jewellery" in the fourth line thereof, the words "tinware, carpets, household furnishings, groceries, boots and shoes, ready-made clothing and picture frames." (R.S.O., c. 184, s. 495 (3).)

Rev. Stat., c. 184, s. 495, sub s. 3, amended.

10   2. The council of every county, township, city, town and incorporated village may pass by-laws to construct, equip and operate street railways, similar to the powers now possessed in regard to the construction of gas and waterworks, and if the municipality sees fit to acquire by purchase, lease or other-  
15 wise, any existing street railway, and in the event of the municipality and the company failing to agree as to terms of such acquisition, the same to be settled by arbitration under the clauses of *The Municipal Act*. (R.S.O., c. 184, sec. 504, (3); *id.* sec. 489 (30); *id.* sec. 385-404.)

By-laws relating to street railways.

20   3. Section 68 of *The Municipal Act* is amended by adding thereto the proviso contained in section 69 of the said Act, whereby the number of aldermen for cities may be reduced.

4. Sub-section (9a) of section 489 of the said Act as amended by section 23 of chapter 28, the Acts passed in the 51st year  
25 of Her Majesty's reign is repealed and the following substituted in lieu thereof :

Rev. Stat., c. 184, s. 489, sub-s. 9a, repealed.

(9a) Or for requiring all trades who occupy premises in the municipalities and are not entered on the assessment roll, in respect of income or personal property, and who may offer goods  
30 or merchandize of any description for sale by auction, or in any manner conducted by themselves or by a licensed auctioneer, or by their agents, consignees, such consignee not being the *bona-fide* owner of such goods or merchandise, or otherwise, to pay before commencing to trade a sum, in cities not to exceed  
35 \$100, and in other municipalities not to exceed \$50, by way of a license fee, and for providing that the sum so paid as a license fee shall be considered as applicable to the payment of taxes on the license, personal property or income for the unexpired portion of the then current year, which would  
40 have been imposed thereon if he had been assessed, and any surplus remaining shall be so applicable to his taxes on personal property or income for the ensuing year, if he is assessed for that year, so as to be liable to pay taxes thereon; or if he is not assessed therefor so as to be liable to pay taxes thereon

Regulating transient traders.

for that year, but no such by-law shall affect, apply to or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the municipality in which the insolvent carried on business therewith at the time of the issue of a writ of attachment or of the execution of an assignment 5

Rev. Stat., c.  
184, s. 255,  
amended.

5. Section 235 of the said Act is amended by adding at the end thereof: "In event of the mayor and the assessment commissioner not agreeing as to the persons appointed as assessors, the county judge shall be a third person to assist in making said appointment at such time as the law requires." 10

Rev. Stat., c.  
184, s. 401,  
amended.

6. Section 401 of the said Act is amended by adding at the end thereof: "and shall also file a sworn statement of the number of hours occupied by them in the arbitration, and of the amount of fees charged in respect thereof."

Payment of  
compensation  
for lands not  
court.

7. Every council may pay into court the sum agreed upon 15 or awarded as compensation for lands taken or injuriously affected by any corporate work under the like circumstances and in the like cases, as in *The Railway Act of Ontario*, section 20, sub-sections 25, 26, 27, 28 and 29.

Limitation of  
actions.

8. If any action or suit shall be brought against any person or 20 persons, for anything done in pursuance of *The Municipal Act* other than under section 531, sub-section 1 of the said Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause 25 of such action arising. (35 Vic., c. 79, sec. 35. *Toronto Water-works Act*.)



No. 230.

4th Session, 6th Legislature, 53 Vic., 1890

BILL.

An Act to amend The Municipal Act.

First Reading, 17th March, 1890.

MR. FREEMAN.

TORONTO :

PRINTED BY WARWICK & SONS, 62 AND 70 FRONT ST. W.

## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 71 of *The Municipal Act* as amended by *The Municipal Amendment Act*, 1888, is repealed and the following substituted therefor:— Rev. Stat. c. 184 and 71 repealed.

71. The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, one councillor being elected for each ward where the township is divided into wards, and the reeve to be elected by a general vote; but if the township had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then the council shall consist of a reeve, deputy-reeve and three councillors, one councillor being elected for each ward where the township is divided into three wards, and the reeve and deputy-reeve to be elected by general vote, and for every 500 additional names of persons entitled to vote on such list, there shall be elected an additional deputy-reeve instead of a councillor, and in such case the councillors shall in all townships be elected by general vote. Township councils, how composed.

2. The said Act is amended by inserting after section 430 the following:— Rev. Stat. c. 184 Amended.

430a. All actions for indemnity for damage or injury sustained by reason of any public work or improvement, undertaken by a municipal corporation, or in connection therewith; shall be instituted within six months next after the time of the supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead not guilty by statute, and give this Act, or any special Act authorizing such works, and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act, and of such special Act. Limitation of actions against municipal corporations.

3. Section 452 of the said Act is amended by striking out the words "house of industry" in the third line, and substituting therefor the words following, "shall from time to time pass by-laws for erecting, improving and repairing a suitable house of industry for the shelter and maintenance of the destitute poor of the county." Rev. Stat. c. 184, s. 452 amended.



No. 231.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 17th March, 1890.

MR. DANCE.

TORONTO :

PRINTED BY WALLACE & SON, 68 AND 70 FRONT ST. W

## An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The sub-sections of section 7 of *The Assessment Act* shall not apply to assessments under section 112 of *The Municipal Act*.

Rev. Stat. c. 193, s. 7, not to apply to local improvement assessments.

2. Sub-section (1) of section 34 of *The Assessment Act* is repealed and the following substituted in lieu thereof:

Rev. Stat. c. 193, s. 34, sub-s. 1, repealed.

(1) The personal property of every incorporated company shall be assessed against the company in the same manner as if the company were a partnership.

Assessment of personal property of companies.

(2) All gas companies, plank or gravel road companies and street railway companies, shall be assessable upon and in respect of all personal property owned by them, situate within the said municipality, and all the mains, pipes, posts, lamps and other fixtures of every such gas company, although wholly or partly laid in or under the streets, highways, or other public places of the municipality, and all railway tracks and superstructure of such street railway company, although wholly or partly laid upon or along streets, avenues, parks or other public places, are hereby declared to be the personal property of the said companies, and to be liable to assessment as such.

Assessment of gas, road and street-railway companies.

(3) The wires, poles, insulations and other properties of telegraph, telephone and electric light companies, or other properties, though wholly or partly planted, placed, erected or fixed upon any street, highway, park or any other public place, are hereby declared to be a personal property of the company or proprietor, and shall be liable to assessment as such; and sub-section 2 of said section 34 is numbered (4).

Wires, poles etc., to be assessed as personal property.

3. That the municipal council of every municipality may pass by-laws to assess the pipes, mainposts, lamps and all other property belonging to any gas company, whether situated upon or in their own real property or upon or in the property of or belonging to any other person, or upon or in any public highway, street, place, square, park or other public place, and the superstructure, rails and works, and other property of and belonging to any street railway or tramway company, although situate upon or in any public street or place, and the poles, wires, cables and all other plant and apparatus of and belonging to any electric, telegraph, telephone or electric company, shall be deemed, and they are hereby declared to be the per-

By-laws for the assessment of property of gas companies, etc.

sonal property of the company and assessable like other personal property not declared to be exempt from assessment by this Act; also that the plants, mains, hydrants and workable portions of a waterworks company be assessed within the municipality in which they are situated as personal property of the company. 5

Assessment of  
personal prop-  
erty in store-  
houses.

4. In cases where manufacturing companies have their factories or storehouses situated in one municipality and have their shop, office or other place of business, in another, the municipality in which such factories or storehouses are situated, shall have the right to assess the personal property contained in such factories or storehouses. R. S. O., 193, section 36. 10

Income may  
be assessed  
where earned.

5 Every municipality in which income is earned by any person otherwise than as salary, gratuity or other compensation, attaching to an office, appointment or office, (provided for by section 38 of *The Assessment Act*), shall have the right to assess such income, whether such person does or does not reside in such municipality. And in case of his being so assessed in a municipality in which he does not reside, he shall if required, produce a certificate thereof to prevent his being assessed for such income at his place of residence, but if required he shall produce a certificate of being assessed for such income in first-mentioned municipality. 15 20

Rev. Stat. c.  
193, s. 45, sub  
s. 2 amended.

6. Sub-section 2, section 45 of *The Assessment Act* is amended by striking out the figures \$20 and inserting in lieu thereof the words "not less than \$20 nor more than \$200." 25

Court of re-  
vision in cities  
and towns.

7. The council of a city or town may pass by-laws to constitute the court of revision as follows:—Two members to be appointed by the council and one member by the mayor, these three to be persons not members of the council, and shall constitute a court of revision, each of whom shall be paid as the council may determine; and the court so constituted shall exercise all the powers of the Court of Revision, and from such court an appeal shall be to the county judge. 30



NO. 232.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Assessment Act.

First Reading, 18th March, 1890.

MR. MCKAY.

TORONTO:

PRINTED BY WATSON & SON, 68 AND 70 FRONT ST. W.



No. 233.]

## BILL.

[1890.

### An Act to amend The Act to Secure to Wives and Children the Benefit of Life Insurance.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The Act to Secure to Wives and Children the*  
5 *Benefit of Life Insurance*, as amended by section 3 of the Act Rev. Stat. c. 136, s. 6, amended.  
passed in the 51st year of Her Majesty's reign, chaptered 22,  
is amended by inserting after the word "extend" in the fourth  
line thereof the words "transfer or limit," and by inserting  
therein after the words "child or children alone" in the sixth  
10 and seventh lines thereof the words "or for the benefit of the  
wife, and in case of her death during the life of the insured,  
then for the child or children, or any of them."
2. Section 25 of the said first mentioned Act is hereby  
amended by inserting after the word "where" in the first line  
15 thereof the words "any policy of insurance or," and by insert- Rev. Stat. c. 136, s. 25, amended.  
ing after the words "attach to" in the said first line thereof  
the words "or identifying by its number or otherwise."
3. This Act shall apply to policies heretofore issued, as well  
as to future policies. Act to be retrospective

No. 233.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act to amend The Act to Secure to  
Wives and Children the Benefit of Life  
Insurance.

First Reading, 18th March, 1890.

MR. BISHOP.

TORONTO

PRINTED BY WATSON & SON, 63 AND 70 FRONT ST. W.

## An Act to amend The Separate Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 40 of *The Separate Schools Act*, is hereby  
5 amended by adding thereto the following sub-section, Rev. Stat.  
c. 227, s. 40,  
amended.

(2.) Provided always that where the proprietor or tenant was not, on or before the 1st day of March in any year, a resident of the municipality, or rated upon the assessment roll thereof, he becomes such resident, and entitled to be  
10 rated on the assessment roll thereof, before the time for appealing from the assessment to the court of revision, he shall be entitled to give the notice provided for by this section at any time before the expiration of the said time for appealing, and a notice so given shall have the same effect as if given on  
15 or before the first day of March, of the year in which it shall be given. Time for giving notice by separate school supporter becoming resident in a municipality.

2. The clerk of every municipality in which there is a separate school shall, once in each year, upon the written request of the trustees of such separate school, deliver to  
20 them a statement in writing showing the names of all persons appearing upon the assessment roll for the current year, who have given the notice required by section 40 of the said Act, with the amount for which each person has been rated upon such assessment roll. Clerk to give trustees annual statement of supporters of separate schools.

No. 234.

4th Session, 6th Legislature, 53 Vic. 1890.

BILL.

An Act to amend The Separate Schools Act.

First Reading, 1st March, 1890.

MR. CLANCY

TORONTO:

PRINTED BY WARREN & SONS, 68 AND 70 FRONT ST. W.

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No. 235.]

## BILL.

[1890.]

An Act to amend the Act respecting Snow Fences.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Sub-section 2 of section 1 of the *Act respecting Snow*  
5 *Fences* is repealed.

Rev. Stat. c.  
198, s. 1, sub-s.  
2, repealed.



No. 235.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the Act respecting Snow  
Fences.

First Reading, 19th March, 1890.

Mr. MARTER.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Registry Law Amendment Act, 1890*. Short title.

2. Section 60 of the Revised Statute, called *The Registry Act*, is amended by adding the following sub-section: Rev. Stat. c. 114, s. 60, amended.

(2) It shall be the duty of the registrar or his deputy to see that all copies of instruments in the registers are true copies, and the registrar or his deputy shall certify all such copies by writing a memorandum containing the words "examined (date) certified true copy" in the margin opposite each copy in the register, such memorandum to be signed by the initials of the registrar or his deputy making the examination. When a register is completed, the registrar or his deputy shall at the end thereof make a statutory declaration, that the copies contained in such register are true copies of the original instruments of which they purport to be copies. Registrar to see that all copies in registers are correct.

3. Sub-section 1 of section 84 of the said Act is hereby amended by adding thereto the following words: Rev. Stat. c. 114, s. 84, sub-s. 1, amended.

(a). Every such plan shall be mounted on stiff paste-board of good quality, and in case it exceeds thirty inches in length by twenty four inches in width shall be folded so as not to exceed that size. Plans to be mounted.

4. Section 84 of the said Act is further amended by adding thereto the following sub-section: Rev. Stat. c. 114, s. 84, amended.

(5). The inspector shall have power to direct where he deems it necessary that a plan index book shall be kept by the registrar in manner and form directed by the inspector. Plan index book.

5. Sub-section 1 of section 95 of the said Act is amended by striking out all the words after "hundred" in the 10th line thereof and substituting the following therefor:— Rev. Stat. c. 114, s. 95, sub-s. 1, amended.

"And if the said instrument embraces different lots or parcels of land situate in different municipalities in the same county, the registration and copying of such instrument together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate, and shall be paid for as follows: Where the aggregate copying does not exceed 700 words, \$1.40; where the aggregate copying exceeds 700 words, the sum of fifteen cents for every hundred words or

fractional part thereof up to 1,400 words, in addition to the sum of \$1.40, and where the aggregate copying exceeds 1,400 words the sum of ten cents for every hundred words or fractional part thereof in addition to the above charges; the said fees shall include all certificates and necessary entries.

Reg. Stat. c.  
114, s. 10,  
amended.

6. Section 95 of the said Act is amended by adding thereto the following subsection:

Disputes as to  
fees.

11. When any dispute arises in regard to any question of fees under this Act, the registrar shall forthwith submit the same to the inspector, and shall thereupon notify the person interested or his agent of such submission, and the decision of the inspector upon the question submitted shall be final, unless appealed from and varied by appeal as hereinafter mentioned. All decisions given by the inspector shall be in writing, and the appeal therefrom shall be in like manner, and subject to the same rules of practice as nearly as may be as an appeal from a master in chambers or local master.

Powers of  
attorney.

7. Where a power of attorney or any substitution thereof is deposited in an office of land titles, a copy thereof certified by the master, or a local master, may be registered in any registry office in the same manner as a copy of a power of attorney certified by a registrar may be registered under section 51 of *The Registry Act*. (*Vide* R. S. O., c. 114, ss. 50-53.)

52 V., c. 19,  
s. 10,  
amended.

8. The 10th section of the *Act respecting Registry Offices*, being chapter 19 of the Acts passed in the 52nd year of Her Majesty's reign, is amended by inserting after the word "building" in the third line the words "or otherwise."

Registrars to  
furnish in-  
formation to  
inspector.

9. The registrars shall transmit to the inspector of registry offices such particulars with reference to the business of such offices as the said inspector may require. (52 V., c. 10, s. 4.)



No. 236.

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4th Session, 6th Legislature, 53 Vic., 1890

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BILL.

An Act to amend The Registry Act.

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First Reading, 19th March, 1890.

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MR. GIBSON,  
(*Hamilton*).

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TORONTO:

PRINTED BY WARWICK & SON, 68 AND 70 FRONT ST. W.



· An Act to amend The Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Registry Law Amendment Act, 1890*. Short title.

2. The 3rd sub-section of the 41st section of the Revised Statute called *The Registry Act*, is amended by inserting after the word "England" in the 13th line of the said sub-section, the words "or in the supreme court of judicature in Ireland." Rev. Stat. c. 114, s. 41, sub-s. 3, amended.

3. Section 60 of the said Act is amended by adding the following sub-section : Rev. Stat. c. 114, s. 60, amended.

(2) It shall be the duty of the registrar or his deputy to see that all copies of instruments in the registers are true copies, and the registrar or his deputy shall certify all such copies by writing a memorandum containing the words "examined (*dute*) certified true copy" in the margin opposite each copy in the register, such memorandum to be signed by the initials of the registrar or his deputy making the examination. When a register is completed, the registrar or his deputy shall at the end thereof make a statutory declaration, that the copies contained in such register are true copies of the original instruments of which they purport to be copies. Registrar to see that all copies in registers are correct.

4. The said Act is hereby amended by adding the following as sub-section 2 to section 64 thereof : Rev. Stat. c. 114, amended.

(2) Where the copy of will or of letters of probate or letters of administration has attached to it, when left or offered for registry, an affidavit or statutory declaration by the executor or administrator to the effect that after making the will the testator conveyed or parted with lands in the will described by local description, and that it was not intended or desired that the registration of the will should affect such lands, and if, in addition, it appears by the registered entries respecting such lands that the testator had parted with all his interest in or title to the said lands, the registrar shall not register, copy or enter the will as an instrument affecting such lands, nor shall he be entitled to any fees for registering and making entries and certificates in respect thereof, but shall only be entitled to the same fees in respect of the registry of such will as he would have been entitled to, had the will not contained any devise or gift of or reference to such lands by local description. Registration of will where testator has made subsequent conveyance of lands.

Rev. Stat. c. 114, s. 84, sub-s. 1, amended. **5.** Sub-section 1 of section 84 of the said Act is hereby amended by adding thereto the following words :

Plans to be mounted. (a) Every such plan shall be mounted on stiff paste-board of good quality, and in case it exceeds thirty inches in length by twenty four inches in width shall be folded so as not to exceed that size.

Rev. Stat. c. 114, s. 84, amended. **6.** Section 84 of the said Act is further amended by adding thereto the following sub-section :

Index. (5). The inspector shall have power to direct where he deems it necessary that a plan index book shall be kept by the registrar in manner and form directed by the inspector.

Rev. Stat. c. 114, s. 95, sub-s. 1, amended. **7.** Sub-section 1 of section 95 of the said Act is amended by striking out all the words after "hundred" in the 10th line thereof and substituting the following therefor :—

"And if the said instrument embraces different lots or parcels of land situate in different municipalities in the same county, the registration and copying of such instrument together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate, and shall be paid for as follows : Where the aggregate copying does not exceed 700 words, \$1.40 ; where the aggregate copying exceeds 700 words, the sum of fifteen cents for every hundred words or fractional part thereof up to 1,400 words, in addition to the said sum of \$1.40 ; and where the aggregate copying exceeds 1,400 words the sum of ten cents for every hundred words or fractional part thereof in addition to the above charges ; the said fees shall include all certificates and necessary entries.

Rev. Stat. c. 114, s. 95, amended. **8.** Section 95 of the said Act is amended by adding thereto the following sub-section :

Disputes as to fees. (14) Where any dispute arises in regard to any question of fees under this Act, the registrar shall forthwith submit the same to the inspector, and shall thereupon notify the person interested or his agent of such submission, and the decision of the inspector upon the question submitted shall be final, unless appealed from and varied by appeal as hereinafter mentioned. All decisions given by the inspector shall be in writing, and the appeal therefrom shall be in like manner, and subject to the same rules of practice as nearly as may be as an appeal from a master in chambers or local master.

Power of attorney. **9.** Where a power of attorney or any substitution thereof is deposited in an office of land titles, a copy thereof certified by the master, or a local master, may be registered in any registry office in the same manner as a copy of a power of attorney certified by a registrar may be registered under section 51 of *The Registry Act*. (*Vide* R. S. O., c. 114, ss. 50-53.)

52 V. c. 10, amended. **10** The 10th section of the *Act respecting Registry Offices*, being chapter 19 of the Acts passed in the 52nd year of Her Majesty's reign, is amended by inserting after the word "building" in the third line the words "or otherwise."

Inspector. **11** The registrars shall transmit to the inspector of registry offices such particulars with reference to the business of such offices as the said inspector may require. (52 V., c. 10, s. 4.)



No. 236.

4th Session, 6th Legislature, 53 Vic., 1890

BILL.

An Act to amend The Registry Act.

First Reading, 19th March, 1890.

Second " 25th " 1890.

*(Reprinted as amended by Committee of  
the Whole House.)*

MR GIBSON,  
(Hamilton).

PRINTED BY TOLSON & SONS, 65 AND 70 FRONT ST., W.

No. 237.]

## BILL.

[1890.

An Act to amend The General Road Companies  
Act.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
5 enacts as follows:—

1. Section 57 of *The General Road Companies' Act* is Rev. Stat. c.  
amended by inserting after the word "company" in the fourth 159 s. 57,  
line thereof the words "or municipality." amended.



No. 237.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The General Road Companies Act.

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First Reading, 20th March, 1890.

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Mr. PHELPS.

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TORONTO:

PRINTED BY WATKINS & SONS, 58 AND 70 FRONT ST. W.

No. 238]

## BILL.

[1890.

### An Act to amend the Act respecting Representation in the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. So much of section 15 of chapter 7 of the Revised Statutes Rev. Stat. c.  
7, s. 15,  
amended.  
5 of Ontario intituled *An Act respecting the representation of  
the People in the Legislative Assembly* as is contained in the  
words and figures following, that is to say:—

“88. THE CITY OF TORONTO and the TOWN OF PARKDALE  
shall form the Electoral District of the City of Toronto and  
10 shall return three members.

“(a) At a contested election for the said electoral district  
no person shall vote for more than two candidates”;—  
is repealed and the following substituted therefor:—

“88. THE CITY OF TORONTO, including what was formerly the  
15 TOWN OF PARKDALE, shall form the Electoral District of the  
city of Toronto, and shall return three members.

“(a) At a contested election for the said electoral district  
every qualified elector shall be entitled to vote for three  
candidates.”

No. 238.

4th Session, 6th Legislature, 53 Vic., 1890

BILL.

An Act to amend the Act respecting  
Representation in the Legislative Assembly.

First Reading, 20th March, 1890.

MR. E. F. CLARKE  
(*Toronto*).

TORONTO:

PRINTED BY MAWJER & SONS 68 AND 70 FRONT ST. W.

An Act to Consolidate and Amend the Local Improvement Clauses of The Municipal Act.

WHEREAS it is expedient to reconsolidate, simplify and amend the sections of *The Municipal Act* relating to works, improvements and services to be paid for by special local assessment upon the real property to be benefited thereby ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

1. Sections 612 to 623 inclusive of *The Municipal Act* are hereby repealed, and the following sections enacted in lieu thereof :

Rev. Stat. c. 184, ss. 612—623, inclusive, repealed.

LOCAL IMPROVEMENTS.

**612.** The council of every township, city, town, and incorporated village may pass by-laws for the following purposes :

1. For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed *work or* improvement, the expense of which is proposed to be assessed, as hereinafter mentioned, upon the real property benefited thereby ; and of ascertaining and determining the proportions in which the assessment *of the cost thereof* is to be made on the various portions of real estate so benefited ; and there shall be the same right of appeal from any such *proposed scale of* assessment, to the court of revision and from the court of revision to the county judge, as is provided for by section 569 of this Act ; and the proceedings thereon shall *except as otherwise provided in section 618 of this Act* be the same respectively as in the case of appeals from ordinary assessments under *The Assessment Act*. R.S.O. (1887), c. 184, s. 612 (1).
2. For assessing and levying by means of a special rate, the cost of deepening any stream, creek, or watercourse, and draining any locality, or the cost of making, enlarging or prolonging any common sewer, or of opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking any street, lane, alley, public way or place, or of constructing any sidewalk, bridge, *culvert or* embankment forming part of a highway therein, or of curbing, sodding, or planking any street, lane, alley, square, or other public place, or of re-constructing any work hereby provided for. R.S.O. (1887), c. 184 s. 612 (2).

ascertaining real property benefited by local improvements.

Appeal.

Assessing real property benefited for cost of certain works.

Regulating  
the rate and manner  
of payment  
of assessment.

3 For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for such works or improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums. 5  
R.S.O. (1887), c. 184 s. 612, (6).

Doing work  
when funds  
furnished by  
parties

4 For effecting any such work or improvements as aforesaid with funds provided by parties desirous of having the same effected. R.S.O. (1887) c. 184, s. 612, (7).

Construction  
of sewers, etc.,  
in part to be  
provided by  
council.

5. If the contemplated *work or improvement* is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council; and the council of every municipality which has not passed a by-law within and under the provisions of section 625 of this Act shall also provide, in connection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and also the cost of that part of every such work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment. R.S.O. (1887,) c. 184, s. 612, (8). 10 15 20

Lands benefited to be  
charged with  
proportion of  
costs of certain local  
improvements.

6. If the contemplated works or improvements relate to any stream, creek, or watercourse, or to draining any locality, and in the opinion of the engineer or surveyor specially benefit any lands lying within the municipality or any road or roads lying therein *belonging to any other municipality or corporation*, then the engineer or surveyor aforesaid shall charge the lands road or roads to be so benefited, and the *municipality*, corporation, person or company whose lands, road or roads are improved with such proportion of the cost of the work or improvement as he may deem just, and the amount so charged for lands or roads, or agreed upon by arbitration shall be paid by such person or out of the general funds of the municipality, corporation or company, as the case may be, and the provisions of this Act relating to drainage so far as applicable shall apply to any such work or improvement constructed under this section. R.S.O. (1887) c. 184, s. 612 (10). [See sec. 576, R.S.O. (1887,) from which this would appear to have been taken to cover roads and lands owned by other municipalities or companies within the limit of the particular municipality, *e. g.*, York Roads, Vaughan Plank Road, and Weston Road in York, Toronto.] 25 30 35 40

Rate to be  
assessed on  
frontage.

**613.**—(1) The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof, upon the real property fronting or abutting upon the street or *the portion of the street or the place* whereon or wherein such improvement or work is proposed to be done or made. R.S.O. (1887), c. 184, s. 612 (4). 45

Provision in  
case of insufficient  
amount of  
money to meet  
expenses

(2). If in any case the first assessment for any such work or improvement proves insufficient, the council shall make a second or other additional assessment in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvement or work, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid. R.S.O. (1887), c. 184, s. 612 (5). 50 55



**614.** Nothing contained in the two preceding sections shall be construed to apply to any work of ordinary repair or maintenance; and all works or improvements constructed under the said sections shall thereafter be kept in a good and sufficient state of repair at the expense of the township, city, town, or village generally. R.S.O. (1887), c. 184, s. 612 (3). Preceding sections not to apply to certain works.

**615.** It shall be deemed to have been and to be a sufficient compliance with the provisions of section 612, if the council shall have passed or shall pass a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment of the final cost thereof is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been, or to be necessary to pass a special by-law in each particular instance for the purposes above mentioned. R.S.O. (1887), c. 184, s. 612 (1) (a). General by-law for determining property benefited by improvements, sufficient.

(a) *By Petition or on Sanitary Grounds.*

**616.**—(1) Upon the receipt of a petition praying for any of the works and improvements mentioned in the four preceding sections, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, according to the last revised assessment roll of the municipality, such owners representing at least one-half in value of such real property, or in any case where the said work or improvement is, in the opinion of the council necessary for sanitary or drainage purposes, the council may take all proper and necessary proceedings for the execution and completion of such work or improvement with as little delay as possible. R.S.O. (1887), c. 184, s. 612 (9). Council to undertake works on petition of owners to be benefited.

(2) Where the word "owner" occurs in this Act in sections 569 to 629, both inclusive, it shall be construed and deemed to include a leaseholder, the unexpired term of whose lease (including any renewals therein provided for) extends over a period which is not less than the duration of the proposed assessment, if the lessee has covenanted in his lease to pay all municipal taxes on the demised property during the terms of said lease, and every such lessee shall have the same right to petition for or against any local improvement proposed to be constructed under this Act as if he were the owner of the property liable to be assessed therefor. (*New.*) "Owner" to include certain leaseholders.

(3) In any case where a lessee has the right to petition for or against any proposed improvement under the provisions of the last preceding sub-section, the owner of the property in fee shall not have such right. (*New.*) Owner not to petition where lessee may.

(b) *On the Initiative.*

**617.**—(1) Any such work or improvement may be undertaken by the council and the assessment of the cost thereof made upon the properties benefited thereby, unless the majority of the owners of such real property (to be ascertained as aforesaid), representing at least one-half in value thereof, petitioned against. Work to be done and rate to be assessed on property benefited, except where petitioned against.

petition the council against the same, within one month after the last publication of a notice of the intention of the council to undertake the said work, such notice to be inserted in at least two newspapers published in such township, city, town or incorporated village, if there are two newspapers published therein; and if there are not, then in a newspaper published nearest to the proposed improvement or work, such publication to be once in each week for two weeks. R.S.O., (1887), c. 184, s. 612 (4). 5

Effect of petition against work. (2) In the event of any such petition against any such proposed work or improvement, sufficiently signed, being presented to the council, no second notice for the same proposed work or improvement shall be given by the council within two years thereafter. R.S.O., (1887,) c. 184. 612 (4) (b). 10

By-law to determine number, and value of property of petitioners against work. (3) The number of the owners petitioning against the proposed improvement or work and the value of the real property which they represent, may be ascertained and finally determined as aforesaid, or in such manner and by such means as are provided by by-law in that behalf. R.S.O., (1887,) c. 184. 612 (4) (c). 15 20

Section 617 not to apply in certain cases. (4) This section shall not apply to any case in which a common sewer is constructed, made, enlarged or prolonged, or to the deepening of any stream, creek, or watercourse for the purpose of draining any locality for sanitary or drainage purposes when the same may in the opinion of the council be or become necessary. (*New*) 25

Completion of local improvements. (5) In any case when notice of a proposed improvement, work or service to be paid for by special assessment as a local improvement, has been given by the council of any municipality pursuant to the provisions of *the Municipal Act then in force*, or any amending Act or Acts, and no petition sufficiently signed as aforesaid has been presented to the said council or to the succeeding council against such proposed improvement, work or service and assessment within the time limited in that behalf by the said Acts, it shall be lawful for the said council, in the same or any succeeding year, to carry on the proposed work, improvement or service to completion, before making the assessment therefor; and such notice, so given, shall stand good as the authority for undertaking any such work, improvement or service, and for making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the council giving such notice, or by the council in any succeeding year. R. S.O., (1887,) c. 184, s. 616. 30 35 40 45

#### Publication of Notice.

Notice may be served on owners, etc., in lieu of advertising. 618.—(1) No by-law passed by the council of any township, city, town or incorporated village, under the provisions of sections 569, 570 or 612 of this Act, shall require to be advertised or published by the said council in any newspaper, but a written or printed, or partly written and partly printed notice of the sitting of the court of revision for the confirmation of every such special assessment shall be given to the owners and lessees having the right to petition, or the agents of such owners and lessees of each parcel of real estate included in such by-laws and assessments. 50 55

(2) Every such notice shall contain a general description of the property in respect of which the same is given, the nature of the improvements, works or services, the total cost thereof, the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the clerk or the assessment commissioner, or other officer to be appointed by the council for the purpose, and be mailed to the address of the person entitled to notice at least fifteen days before the day appointed for the sittings of the said court, and ten days notice shall also be given by publication in some newspaper having a general circulation, of the time and place of the meeting of the said court, which notice shall specify generally what such assessment is for and the total amount to be assessed. R.S.O., (1887,) c. 184, s. 622.

(3) Where the notice of the intention of the council to undertake any work or improvement is given under the provisions of a general by-law passed under section 615, and which provides, or is intended to provide, that the special rate to be assessed therefor shall be an annual rate according to the frontage of the real property fronting or abutting upon the street or the portion of the street or the place whereon or wherein the improvement or work is proposed to be done or made, it shall be sufficient if the notice of the proposed work or improvement describes the street or place or portion thereof, whereon or wherein the work or improvement is to be done or made by a general description thereof, stating the points between which it is to be made, and it shall not be necessary to state the value of the real property ratable therefor, or to impose a rate upon such real property by any description other than that hereinbefore mentioned. R.S.O. (1887,) c. 184, s. 623. (1).

Where special rate is a frontage rate general description sufficient when by-law passed under s. 615.

(4) In such cases the council shall procure a measurement of the frontage liable to the assessment for the cost of the proposed work or improvement and of the frontages exempt from taxation, and shall keep a statement of the same open for inspection in the office of the clerk of the municipality for at least ten days before its final decision to undertake the said proposed work or improvement, and the council shall also cause to be inserted in a public newspaper published within the municipality or in the county town, or in a public newspaper published in the nearest municipality in which a public newspaper is published, once a week for two successive weeks, a notice in the form following or to the like effect:

Take notice that the municipal council of the corporation of the \_\_\_\_\_ intends to (describing the work) on \_\_\_\_\_ street, between (describing the points between which the work has been or is to be made or constructed) and to assess the final cost thereof upon the property abutting thereon and to be benefited thereby, and that a statement showing the lands liable to pay the said assessment, and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the clerk of the municipality and is open for inspection during office hours.

The estimated cost of the work is \$ \_\_\_\_\_ of which \$ \_\_\_\_\_ is to be provided out of the general funds of the municipality.

A court of revision will be held on \_\_\_\_\_ at \_\_\_\_\_ for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage measurements or any other complaint which persons interested may desire to make, and which is by law cognizable by the court.

Dated \_\_\_\_\_

Clerk.

R.S.O. (1887), c. 184, s. 623. (2).



Appeals from  
court of  
revision.

(5) There shall be the same right of appeal from any such proposed assessment to the court of revision, and from the court of revision to the county judge, as is provided in section 569 of this Act, and the proceedings thereon shall, except as otherwise provided by this Act, be the same (as nearly as practicable) as in the case of appeals from ordinary assessments under *The Assessment Act*, and the court of revision and the county judge shall respectively have the like jurisdiction, rights and powers in respect to every such appeal as in the case of such last mentioned appeals. R.S.O. (1887), c. 184 s. 623 (3) 5 10

Assessment as  
altered on  
appeal to be  
conclusive.

(6) The said statement, or the same as altered or varied by the court of revision or the county judge upon appeal, shall be final and conclusive as to all matters therein contained. R.S.O. (1887), c. 184, s. 623 (4).

#### LOANS AND ADVANCES FOR COST OF LOCAL IMPROVEMENTS.

Power to bor-  
row funds for  
local improve-  
ments.

**619.**—(1) For the purpose of enabling councils to avoid the necessity of making supplementary assessments, or refunding in case of over assessments, and of ascertaining the exact cost of any work or improvement, done or constructed, as a local improvement under the provisions of this Act, they may and they are hereby authorized and empowered to make agreements with any bank, or any person or body corporate for temporary advances and loans until the completion of the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered in their option to make the special assessments for the cost thereof, after the work or improvement, as the case may be, shall have been completed, and to pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advance. R.S.O. (1887), c. 184, s. 621 (1). 15 20 25

Time for re-  
payment of  
loans.

(2) Every by-law for borrowing money shall provide for the repayment of the loan and the maturing of the debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the engineer, or other proper officer, to be appointed by the council for that purpose. R.S.O. (1887), c. 184, s. 621 (2). 30 35

Where special  
assessments  
under the new  
assessments  
may be made.

(3) If in any case a debt has been incurred by the municipality for any work or improvement done or constructed under the provisions of this Act, and after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor, is set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in the making of such assessment or passing such by-law, it shall be lawful for the council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement: Provided always that nothing herein contained shall be construed as authorizing any assessment to be made, or work or improvement to be undertaken, except the same be initiated in some one of the three methods by law provided, namely: 40 45 50

Proviso.

- (a) Either on the report of the engineer or other sanitary officer, and of a committee of the council, adopted by the council, recommending the proposed work or improvement for sanitary or drainage purposes ;  
 5 or
- (b) On a petition of the owners of the real property benefited, sufficiently signed ; or
- (c) After due notice, as above provided, of the proposed assessment, and no sufficiently signed petition of  
 10 the owners, as hereinbefore defined, of the real property benefited against the proposed assessment being presented to the council within the time limited therefor. R.S.O. (1887), c. 184, s. 621 (3).

#### ASSESSMENTS FOR LOCAL IMPROVEMENTS.

- 15 **620.**—(1) In ascertaining and determining the cost of draining any locality or making and laying or prolonging any common sewer, the council of any township, city, town or incorporated village, may estimate the cost of the construction of branch drains from the drain or sewer to the line of street,  
 20 and may include the cost of such branch drains in making the assessment or such drains or sewers, as a local improvement pursuant to the last preceding section. R.S.O. (1887), c. 184, s. 613.
- (2) In any case where in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which such a sewer shall hereafter be constructed such sewer shall be constructed of a larger capacity than that required for the efficient sewerage and drainage of the real property fronting or abutting upon  
 25 the street, then and in every such case the council may impose a special assessment upon the other real property benefited by the construction of such sewer in the manner hereinafter provided by sections 618 and 619 of this Act. 51 Vic., cap. 28, sec. 33.
- 35 (3) In case the council of such municipality is about to construct, renew or alter the character of a pavement upon any street, or portion thereof, as a local improvement, the council may, before laying down such new pavement, put in all necessary private drain connections from any existing drain or  
 40 sewer upon such street, or portion thereof, to the street line on each side of such drain or sewer, and may assess and levy the cost thereof upon the particular property benefited thereby as part of the cost of said local improvement pursuant to the provisions of section 612 of this Act. 52 Vic., cap. 36, sec. 38.
- (4) The council of every township, city, town and incorporated village may, by by-law, provide an equitable mode of assessing for local improvements, works and services, corner lots, triangular or other irregular shaped pieces of land situate  
 50 at the intersections or junctions of streets, having due regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance made on any such lot or piece of land, on the  
 55 other real property fronting on the improvements, or assume the same as a portion of the municipality's share of the work or

Cost of  
sewers.

Where other  
property re-  
ceives benefit  
of sewer as  
well as that  
fronting on  
street drained.

Construction  
of drains in  
connection  
with pave-  
ments laid  
as local im-  
provements.

Assessment of  
corner lots,  
etc., for local  
improve-  
ments.



improvements; but any such assessment shall be subject to appeal to the court of revision and from the court of revision to the county judge as herein provided. R.S.O., (1887), c. 184, s. 614.

Refund of  
part of special  
rate for local  
improvements  
imposed on  
corner lots,  
etc.

(5) It shall and may be lawful for the council of any township, city, town, or incorporated village by a two-thirds vote of the council to pass by-laws to remit and refund so much of the special rates imposed prior to the 30th day of March, 1885, on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws as may be necessary to equalize the assessment made on such property with the assessment made on adjoining properties for the same improvement or work, and to provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by the issue of debentures, or by including said amounts in the rate bills for the year; provided that no such remission or refund shall be made in any case where the work or improvement shall have been made or constructed more than four years before the passing of the by-law authorizing the refund or remission. R.S.O. (1887), c. 184, s. 615. 20

Determining  
proportion of  
cost of work in  
special cases.

(6) Where the lands on either side of a street, lane, or alley in a city, town, or incorporated village, in the opinion of the council, are from any cause unfit for building purposes, and the council deem it inequitable to assess the same for local improvements at as high a rate as the building lots fronting on said street, lane or alley, the council shall, in all such cases, determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley, respectively. R.S.O., (1887), c. 184, s. 617.

Assessment  
for boulevards,  
etc.

(7) Real property adjoining and fronting on any park square, public drive or boulevard shall be specially answerable for and in respect of the improvements, works and services made, done or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street, but where a public park, square, drive or boulevard exists or may hereafter be established, the lands adjoining it not exempt from taxation shall be answerable only in respect of such improvements, works and services to the extent to which such lands are specially benefited by such improvements, works and services; and where the lands on one side of such drive or boulevard are a public park or square, or for other reasons are exempt from taxation at least one-half of the cost of such improvements, works and services shall be borne by the municipality generally; and no petition against any such assessment shall avail to prevent the carrying out of any improvement, work or service in any such park, square, drive, or boulevard, and the making of such special assessment. 52 Vic., c. 36, sec. 39.

#### BRIDGES, STREET EXTENSIONS, SIDEWALKS, ETC.

Cost of constructing  
bridges or  
extending and  
opening streets.

**621.**—(1) Where it shall, in the opinion of the council of any township, city, town or incorporated village, be deemed expedient and necessary to construct or repair bridges or culverts on any street, lane or alley, or to open up and extend any street, lane or alley within the limits thereof for the

more immediate convenience or benefit of any locality within such limits, and the council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine  
 5 what lands are benefited by such works or improvements, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion, if any, of the cost of the improvement, which shall be assumed by the township, city, town or incorporated village as its share  
 10 thereof: provided always that the share or proportion of the cost of such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large in like manner as in the case of the share of the municipality of other local improvements, and that  
 15 all assessments made under the above provisions shall be subject to an appeal to the court of revision and from the court of revision to the county judge in like manner as in the case of other special assessments for local improvements, under the provisions of this Act. R.S.O. (1887), c. 184, s. 618; 51 V., c.  
 20 28, s. 36.

(2) If in the case of the construction or repair of a bridge or culvert, or the opening up and extension of any street, lane or alley, the council shall determine that any real property other than that fronting or abutting on the street, lane or  
 25 alley, or the portion thereof whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the lands so benefited the council  
 30 shall assess and levy the proportion of the cost chargeable against the lands benefited, but not fronting or abutting upon such street, lane, or alley, by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane or alley, or the por-  
 35 tion thereof whereon or wherein the improvement is made or to be made. R.S.O., (1887), c. 184, s. 619.

(3) Or in the case of a township, the council may, by by-law, provide that the cost of the works therein specified may be assessed and levied by a special rate upon the lands benefit-  
 40 ed thereby according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided, and where the owners of real property have constructed works or improvements which might have been constructed by the municipality as local improvements, the council may,  
 45 upon the petition of three-fourths of the owners of lands to be benefited by the acquisition of such works or improvements, representing at least two thirds in value thereof, acquire the same at a price to be fixed by arbitration pursuant to this Act, and the purchase money therefor may be raised, assessed and  
 50 levied, as for local improvements upon the real property benefited thereby as above provided.

(a) The number of owners petitioning for the said assessment, and the value of the real property which they represent may be ascertained and finally  
 55 determined in such manner, and by such means as are provided by by-law in that behalf subject to an appeal to the judge of the county court as in the case of other special assessments for local improvements. 51 V. c. 28, s. 37.

Where council declares whole municipality benefited by construction of bridge, etc.

**622** In any case when the council affirms by a two-thirds vote thereof that the constructing, erecting or making of any bridge, culvert or embankment, benefits the municipality at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the council may pass a by-law for borrowing money by the issue of debentures upon the credit of the municipality at large to provide as the corporation's share of the cost of such improvement or work an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof. R. S. O. (1887,) c. 184, s. 618 (2). 5 10

Council may permit owners to build or improve sidewalks in front of lands

**623.** The council may permit the owner or owners of lands in any township, city, town, or incorporated village, to build or improve the sidewalk in front of his or their lands, under the direction of the council or an officer thereof appointed for that purpose, and according to such plans and regulations as the council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as he or they shall keep the same in repair to the satisfaction of the council. R.S.O. (1887,) c. 184, s. 620. 15 20

Powers of county judge upon appeal.

**623 (a).** Whenever an appeal lies from the court of revision to the county court judge under sections 569 to 623 inclusive, the said county judge shall, in addition to his other powers under this Act and *The Assessment Act*, have the power to enquire and determine what other lands (if any) than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement and to add such lands to the assessment, notwithstanding such lands or any part thereof may not have been specified in any notice of appeal to the said judge; and the said judge shall cause all parties to be affected by the addition to the assessment of their lands, to be notified of the time and place when the said appeal and matter will be considered, and may for that purpose adjourn the hearing of the said appeal from time to time. (*New.*) 25 30 35



No. 239.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to consolidate and amend the Local  
Improvement Clauses of The Municipal  
Act.

First Reading, 20th March, 1890.

MR. HARDY.

TORONTO :

PUBLISHED BY WADSWORTH & SONS, 68 AND 70 FRONT ST. W.



## An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 489 of *The Municipal Act* is amended by adding thereto the following as clauses (c) and (d). Rev. Stat. c. 184, s. 489, sub-s. 1 amended.

(c) In case, in any polling sub-division of a municipality, a number of the persons (exceeding 25) entitled to vote, may be prevented from conveniently recording their votes, by reason of one portion of the division being separated from the other by water or other natural obstruction, then upon the petition of two-thirds of the persons entitled to vote in that portion of the division so separated as aforesaid in which the poll is not situate, the council of the municipality in which this division is situate shall establish a separate poll for the purpose of enabling the persons entitled to vote in that portion of the division so separated as aforesaid from the other portion of the division in which the poll was heretofore established, to conveniently record their votes, and the clerk thereafter shall make up and publish a separate voters' list, for each of such polling sub-divisions. Establishment of extra polling places where portion of sub-division cut off by water.

(d) On the neglect or refusal of the council to establish additional sub-division, upon petition under the circumstances aforesaid, the Lieutenant-Governor in Council may direct the establishment of such polling sub-division. Upon default of council Lieutenant-Governor may establish polling places.

NO. 240.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Municipal Act.

First Reading, 21st March, 1890.

M. T. MEACHAM.

TORONTO :

PRINTED BY WALKER & SON, 68 AND 70 FRONT ST. W.

## An Act to amend The Street Railway Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

5   1. Section 2 of *The Street Railway Act* is amended by adding thereto the sub-section following:—

Rev. Stat. c.  
171 s. 2 amended.

(2) In this Act the word “railway” and the expression “street railway” shall, unless a contrary intention appears, include any tramway.

“Railway”  
and street  
railway” to  
include tram-  
ways.

10   2. Section 4 of *The Street Railway Act* is amended by adding thereto the sub-section following:—

Rev. Stat. c.  
171 s. 4  
amended.

(5) Where under this Act a company is incorporated for the purpose of constructing and working a tramway, the charter incorporating said company may, notwithstanding anything in  
20 this Act contained, expressly provide that the rails of the tramway may be made and constructed either of wood wholly or partly covered with iron, or of wood only; and may also expressly provide that such company shall not have the power to take, transport or carry passengers upon or over its line of  
30 tramway.

Material of  
rails of tram-  
ways.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend The Street Railway Act.

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First Reading, 21st March, 1890.

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Mr. FRASER.

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TORONTO :

PRINTED BY WARDER & SONS, 68 AND 70 FRONT ST. W.

An Act respecting the expenses of County Court Judges under the Ditches and Watercourses Act and the Line Fences Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A County Court Judge shall be entitled to be paid the County Judge to be entitled to to expenses when acting under R.S.O. c. 220 or c. 219.  
 5 actual expenses incurred by him in case he inspects the premises in respect of which appeals are made to him under *The Ditches and Watercourses Act* or *The Line Fences Act*. R. S. O., c. 220, sec. 11, sub-s. 4; R. S. O. c. 219, sec. 12, sub-s. 4.
- 10 2. He shall in the order setting aside, altering or affirming the award, fix the amount of such expenses and the person by whom the same shall be paid. Judge to fix amount of expenses and by whom payable, in order.
- 15 3. The Judge shall be paid the amount so fixed by him by the municipality in the same manner as the engineers fees Municipality to pay expenses and collect amount.  
 are paid in respect of *The Ditches and Watercourses Act*, and as the Fence Viewers fees are paid in respect of *The Line Fences Act*, and such municipality shall collect the same as provided in the said Acts respectively. R. S. O., c. 220, sec. 14; R. S. O., c. 219, sec. 11; 52 Vic., c. 48, sec. 1.



No. 242.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting the expenses of the  
County Court Judges under the Ditches  
and Watercourses Act, and the Line  
Fences Act.

First Reading, 21st March, 1890.

MR. HARDY.

TORONTO :

PRINTED BY WATKIN & SONS, 68 AND 70 FRONT ST. W.

No. 242]

## BILL.

[1890.

An Act to amend the Act respecting Conditional Sales  
of Chattels.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Section 6 of the *Act respecting Conditional Sales of* 51 V., c. 19, s.  
5 *Chattels* is amended, by adding thereto the following sub- 6, amended.  
section:

(2) When the bailee or conditional purchaser resides at the time of the bailment or conditional purchase in an unorganized district, all instruments may, under this section be filed with the officer with whom mortgages and sales of chattels are to be registered in such district, under *The Act respecting Mortgages and Sales of Personal Property*.  
Filing of instruments in unorganized districts.  
Rev. stat. c. 125.

NO. 243.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend the Act respecting Conditional Sales of Chattels.

First Reading, 24th March, 1890.

THE ATTORNEY GENERAL.

TORONTO :

PRINTED BY WATSON & SONS, 68 AND 70 FRONT ST. W.

No. 244.

## BILL.

[1890.

### An Act to amend The Free Grants and Homesteads Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in section 22 of Lieutenant-Governor may  
5 *The Free Grants and Homesteads Act*, the Lieutenant-Governor may remit sums  
nor in Council may remit any sums which may be due to the due by settlers  
Crown by settlers in respect of the lands mentioned in the in certain  
said section, under the provisions of any of the Acts mentioned townships.  
in sub-section 1 of said section, or any regulation made under  
10 the authority of the said Acts or any of them.

No. 244.

46th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to amend The Free Grants and  
Homesteads Act.

First Reading, 24th March, 1890.

MR. ARMSTRONG.

JOHNSON CO.

PRINTED BY W. ARTHUR & SON, 68 AND 70 PRINCE ST. W.



No. 245.]

## BILL.

[1890.

### An Act to amend the Act respecting Oaths under the Manhood Suffrage Act.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. In order to remove doubts, section 1 of the Act passed 52 V., c. 5, s. 1  
5 in the 52nd year of Her Majesty's reign, chaptered 5 <sup>sub-s. 2</sup> amended.  
and intituled *An Act respecting Oaths under The Manhood  
Suffrage Act* is amended by adding after sub-section 2 of said  
section 1 the words following:

The expression "voters' list" in this sub-section shall mean "Voters List"  
10 the proper list of voters to be used at an election to the Legis- <sup>meaning of.</sup>  
lative Assembly within the meaning of section 71 and the next  
succeeding six sections of *The Ontario Election Act*; and  
every person whose name is entered and contained in such  
voter's list shall be entitled to vote at any such election not-  
15 withstanding that there is not entered after or opposite his  
name in the proper column of the voter's list either the letters  
"M.F." or any other letters, description, matter, or particular  
required, or directed to be entered after or opposite his name  
in any such column either by *The Manhood Suffrage Act*,  
20 *The Ontario Election Act*, or any other Act whatsoever.

No. 245

4th Session, 6th Legislature, 58 Vic., 1890

BILL

An Act to amend the Act respecting Oaths  
under The Manhood Suffrage Act.

First Reading, 24th March, 1890.

MR. FRASER

TORONTO

PRINTED BY WARWICK & SON, 68 AND 70 FRONT ST. W.

An Act to protect persons acting as Executors or Administrators.

5 HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Where any one has been or is hereafter appointed, by a court having jurisdiction in that behalf, administrator of the estate of any person who on account of absence for seven years or for any other reason has been presumed to be dead, or where probate of a will made by any such person has been or shall be granted by such court, all acts done under the authority of such appointment, or probate, shall, notwithstanding it should thereafter appear that the presumption of death was erroneous, be as valid and effectual as such acts would have been had such person been dead; but the person erroneously presumed to be dead shall, subject to the provisions of sections 3 and 4, have the right to recover from the person acting as executor or administrator any part of the estate remaining in his hands undistributed, and no more; and shall, subject to the provisions of the statutes of limitations, be entitled to recover from any one who received any portion of his estate as one of his next of kin, or as a devisee, legatee or heir, or as the husband or wife of such person, the portion so received, or the value thereof. (Vide R.S.O. cap. 59, sec. 15.)

Protection of executors and administrators of persons supposed to be deceased.

2. Where a will is admitted to probate, or a grant of administration with will annexed, or on account of supposed intestacy, is made by a court having jurisdiction in that behalf, all acts done under the authority of such will or grant of administration shall, notwithstanding it should afterwards appear that the deceased had left a widow, or left a will which superseded that of which probate was granted or which was annexed to the said letters, be as valid and effectual as such acts would have been had such will been the last will of the deceased, or in case of administration as an intestacy as valid as if the deceased had died intestate; but upon the revocation of the grant of probate or administration, the new personal representative of the deceased shall, subject to the provisions of sections 3 and 4, have the right to recover from the person acting as executor or administrator as aforesaid, any part of the estate remaining in his hands undistributed, and no more; and shall, subject to the provisions of the statutes of limitations, be entitled to recover from any one who received any portion of the estate of the deceased as one of his next of kin, or as a devisee, legatee, or heir, or as the husband or wife of the deceased, the portion so received or the value thereof.

Protection of personal representatives acting upon supposed intestacy or celibacy of deceased.

Costs of executors or administrators in such cases.

3. The said executor or administrator shall have the right to retain out of any amount remaining in his hands undistributed, his proper costs and expenses in the administration of the estate.

Persons acting fraudulently not protected.

4. Nothing herein contained shall protect any person acting 5  
as administrator or executor where such person has been privy  
to any fraud by means of which the grant of administration  
or probate was obtained, or in cases arising under section 1 in  
respect of anything done after he becomes aware that the per-  
son who was presumed to be dead is alive, unless the thing so 10  
done was in pursuance of a contract for valuable consideration  
made before the said executor or administrator knew such  
person to be alive. (Vide R.S.O., cap. 50, ss. 60, 61 ; Williams  
on Executors, pp. 570, 593, 597).





No. 246.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act to protect persons acting as Executors or Administrators.

First Reading, 25th March, 1890.

The ATTORNEY-GENERAL.

TORONTO

PRINTED BY WARREN & SONS, 68 and 70 FRONT ST. W.

An Act respecting Sales for Taxes in Muskoka and  
Parry Sound.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows;

1. Where lands have been sold for taxes in any of the municipi- Tax deeds in  
5 palities in the districts of Muskoka and Parry Sound, before certain cases  
the 23rd day of March, 1889, the deeds for the lands so to be given,  
sold shall be executed by the treasurer and reeve of the by reeve and  
municipality. treasurer.
2. Section 34 of chapter 185 of the Revised Statutes of Rev. Stat. c.  
Ontario, 1887, shall not apply to the districts of Parry Sound 185, s. 34, not  
and Muskoka, whether the municipalities have been estab- to apply to  
lished under the provisions of the above Act or of *The Muni- Parry Sound  
10 pal Act.* and Muskoka.
3. Section 2 of the Act to make further provision respect- 52 V., c. 17,  
ing the districts of Parry Sound and Muskoka, is amended s. 2 amended.  
by striking out the word "Ontario," in the first line thereof,  
15 and substituting the word "Victoria" in lieu thereof.

No 247.

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4th Session, 6th Legislature, 52 Vic, 1890.

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BILL.

An Act respecting Sales for Taxes in Mus-  
koka and Parry Sound

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First Reading, 26th March, 1890.

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THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting certain Statistical Returns.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.—(1) Section 4 of chapter 34 of the Acts passed in the 52 Vic., c. 34, fifty-second year of Her Majesty's reign, intituled "*An Act* s. 4, amended. *to amend the Revised Statutes respecting Building Societies*, is amended by substituting for the words "Provincial Treasurer" where they occur in the said section, the words "Minister of Agriculture."
- 10 (2) Sections 5 and 6 of *The Debentures Registration Act* Rev. Stat., c. 186, ss. 5 and 6, amended. are amended by substituting for the words "Provincial Secretary," where they occur in the said sections, the words "Minister of Agriculture."
- 15 (3) Section 382 of *The Municipal Act* is amended by substituting for the words "Provincial Secretary" in the fourth line of said section, the words "Minister of Agriculture." Rev. Stat., c. 184, s. 382 amended.

2. Every clerk with whom instruments are required to be registered under the provisions of the *Act respecting Mortgages and Sales of Personal Property*, shall on or before 20 the 15th day of January in each year, transmit to the Minister of Agriculture returns which shall set out. Returns of bills of sale, etc., to be made by county court clerks.

(a) The number of bills of sale, and the number of chattel mortgages and renewals, the number of discharges, and the number of assignments for the benefit of creditors on record 25 and undischarged in the office of such clerk on the 1st day of January, in the year preceding that in which the return is made.

(b) The number of bills of sale, and the number of chattel mortgages and renewals, the number of discharges, and the 30 number of assignments for the benefit of creditors registered in such office during the year following said 1st day of January, and

(c) The number of bills of sale, and the number of chattel mortgages and renewals, the number of discharges, and the 35 number of assignments for the benefit of creditors on record and undischarged in said office on the 31st day of December in said year.

And the bills of sale and chattel mortgages and renewals and discharges, and assignments for the benefit of creditors in 40 the said returns shall be classified according to the several occupations or callings of the vendors or mortgagors or assignors as stated in the instruments, and shall show the aggregate sums purporting to be secured thereby respectively.

No. 248.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting certain Statistical Returns.

First Reading 26th March, 1890.

Mr. DUCKY.

TORONTO :

PRINTED BY WATKINS & SON, 68 & 70 FRONT ST. W.



## An Act respecting certain Statistical Returns.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 382 of *The Municipal Act* is amended by substituting for the words "Provincial Secretary" in the fourth line of said section, the words "Minister of Agriculture." Rev. Stat., c. 184, s. 382 amended.

2. Sections 5 and 6 of *The Debentures Registration Act* are amended by substituting for the words "Provincial Secretary," where they occur in the said sections, the words "Minister of Agriculture." Rev. Stat., c. 186, ss. 5 and 6, amended.

3. Section 4 of *The Assessment Amendment Act, 1888*, is amended by striking out the words "Provincial Secretary" in the ninth line of the said section and substituting therefor the words "Minister of Agriculture." 51 V., c. 29, s. 4 amended.

4. Clause (b) of section 2 of the Acts passed in the fifty-second year of Her Majesty's reign, intituled "*An Act to amend the Revised Statutes respecting Building Societies*," is amended by adding after the word "address" in the said clause the words "and occupation." 52 Vic., c. 34, s. 4, amended.

5. Clause (c) of section 2 of the said last-mentioned Act is amended by adding thereto the words "and the amount paid up thereon." 52 V., c. 34, s. 2 (c) amended.

6. Section 4 of the said Act is amended by substituting for the words "Provincial Treasurer" where they occur in the said section, the words "Minister of Agriculture." 52 V., c. 34, s. 4, amended.

7.—(1) Every clerk with whom instruments are required to be registered under the provisions of the *Act respecting Mortgages and Sales of Personal Property*, shall on or before the 15th day of January in each year, transmit to the Minister of Agriculture returns which shall set out: Returns of bills of sale, etc., to be made by county court clerks.

(a) The number of chattel mortgages and renewals, the number of discharges, and the number of assignments for the benefit of creditors on record and undischarged in the office of such clerk on the 1st day of January, in the year preceding that in which the return is made.

(b) The number of chattel mortgages and renewals, the number of discharges, and the number of assignments for the benefit of creditors registered in such office during the year following said 1st day of January, and

(c) The number of chattel mortgages and renewals, the number of discharges, and the number of assignments for the benefit of creditors on record and undischarged in said office on the 31st day of December in said year.

(2) The returns shall not include instruments which have lapsed by reason of non-renewal.

(3) The chattel mortgages and renewals and discharges, and assignments for the benefit of creditors in the said returns shall be classified according to the several occupations or callings of the vendors or mortgagors or assignors as stated in the instruments, and shall show the aggregate sums purporting to be secured thereby respectively.

(4) The returns shall, where practicable distinguish mortgages to secure future indorsations or future advances from mortgages to secure an existing debt or present advance.



No. 248.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL

An Act respecting certain Statistical  
Returns.

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First Reading 26th March, 1890.  
Second " 2nd April, 1890.

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*(Reprinted as amended by Committee of  
the Whole House.)*

Mr. DUBRY.

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TORONTO:

PRINTED BY WARWICK & BOWEN, 68 & 70 FRONT ST. W.

An Act to amend the Act respecting Mortgages and Sales of Personal Property.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Act respecting Mortgages and Sales of Personal Property*, being chapter 125 of the Revised Statutes of Ontario, 1887, is hereby amended by inserting the following as section 15a of the said Act :—

Rev. Stat. c.  
125 amended.

15a.—(1) In the case of a mortgage or conveyance of personal property of any incorporated company incorporated by or under Imperial Act or charter, or by or under any Act or charter of the Dominion of Canada, or by or under any Act or charter of the Province of Ontario, made to a bondholder or bondholders or to a trustee or trustees, for the purpose of securing the bonds or debentures of such company, instead of the affidavit of *bona fides* required by the first and second sections of this Act, it shall be sufficient for the purposes of this Act if an affidavit be filed as thereby required made by the mortgagee or one of the mortgagees to the effect that the said mortgage or conveyance was executed in good faith and for the express purpose of securing the payment of the bonds or debentures referred to therein, and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagors, or of preventing the creditors of such mortgagors from obtaining payment of any claim against them.

Affidavits of  
*bona fides*  
where mort-  
gage given by  
company to se-  
cure bonds or  
debentures.

(2) In the case of any such conveyance or mortgage made by an incorporated company the head office whereof is not within the Province of Ontario, such mortgage or conveyance may be filed within thirty days instead of five days, as provided in said first section of this Act, and the same shall be of the like force, effect and priority, as if the same had been filed within such five days.

Time for filing  
mortgage  
where head  
office of com-  
pany not in  
Ontario.

(3) Any such mortgage may be renewed in the manner and with the effect provided by the 11th and following sections of this Act upon the filing of a statement by the mortgagee or one of the mortgagees exhibiting the interest of the mortgagee or mortgagees in the property claimed by virtue of the said mortgage, and showing the amount of the bond or debenture debt which the same was made to secure, and showing all payments on account thereof of which to the best of the information and belief of the person making such statement has been made, or of which he is aware or has been informed, together with an affidavit of the person making such state-

Renewal of  
mortgages  
given by com-  
panies to  
secure bonds  
and debentures.



ment that the statement is true to the best of his knowledge, information and belief, and that the mortgage has not been kept on foot for any fraudulent purpose, and such statement shall be filed instead of the statement required by the said section of this Act.

5

Who may  
make affida-  
vits and state-  
ments on be-  
half of com-  
pany.

(4) If any mortgage as aforesaid be made to an incorporated company, the several affidavits and statements herein mentioned may be made by the president, vice-president, manager or assistant manager of such mortgagee company, or any other officer of the company authorized for such purpose.

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No. 249.

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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL.

An Act to amend the Act respecting Mortgages and Sales of Personal Property.

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First Reading, 27th March, 1890.

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MR. FRASER.

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TORONTO:

PRINTED BY WATSON & SON, 68 AND 70 FRONT ST. W.

No. 250.]

## BILL.

[1890.

### An Act to amend The High Schools Act.

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Where prior to the first day of January, 1878, the  
5 municipal council of any county did by by-law set apart and  
constitute any portion of the county as a separate district for  
high school purposes, the by-law if not heretofore set aside,  
repealed or quashed by any lawful authority in that behalf  
shall, to all intents and for all purposes be considered and  
10 taken as valid, legal and binding, and the high school districts  
thereby constituted or tended to be constituted, shall also for  
all purposes be deemed, and taken as having been lawfully  
and validly constituted, but nothing herein contained shall  
prevent any municipality from withdrawing from such high  
15 school district, as provided by section 33 of *The High Schools  
Act.*
- By-laws setting apart portions of counties for high school purposes.

No. 250.

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4th Session, 6th Legislature, 53 Vic, 1890

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BILL.

An Act to amend The High Schools Act.

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First Reading, 27th March, 1890.

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Mr. ROSS,  
(*Middlesex*).

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TORONTO:  
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.



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No. 251.

## BILL.

[1890.

### A n Act respecting Timber Licenses affecting Registered Land.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Where a license under the Revised Statutes respecting  
5 Timber on Public Lands, or under the Revised Statutes of 1887, was or shall be granted, and the land is registered under *The Land Titles Act*, the same shall be deemed to have been, and to be subject to the rights of the licensee for the current license year, or of his assignee, without the fact of such lands  
10 being so subject being expressed in the entry in the register, or in the certificate of ownership. (R.S.O. c. 116, s. 24).

Effect of  
registration of  
land under  
Rev. Stat. c.  
116 upon  
timber  
licenses.

No. 251.

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4th Session, 6th Legislature, 53 Vic, 1890.

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BILL.

An Act respecting Timber Licenses affecting Registered Land.

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First Reading 28th March 1890.

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THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

No. 252.]

## BILL.

[1890.

An Act respecting polling places in the District of Algoma.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Sub-section 1 of section 56 of *The Ontario Election Act*, is Rev. Stat. c. 5 amended by striking out the words " Michipicoten River," and 9, s. 56, sub-s. 1, amended.  
" Michipicoten Island " in the list of polling places in the said sub-section mentioned, and by adding to the said list the following : Walford Station, Deer Lake, Township of Wells, Massey Station, Webbwood Station, Whitefish Station, McNaughton  
10 Station, Chelmsford Station, Cartier Station, Chapleau Station, Missanobee Station, Biscotasing Station, lot 4 in the third concession of the township of Plummer, lot 2 in the second concession of the township of Coffin, lot 2 in the eighth concession of the township of Galbraith, Lyons school house in  
15 concession G., St. Joseph's Island, Irwin's school house, St. Joseph's Island, Jocelyn school house, St. Joseph's Island, Kaskawan school house, St. Joseph's Island.

No. 252.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

An Act respecting polling places in the  
District of Algoma.

First Reading, 25th March, 1890.

THE ATTORNEY-GENERAL.

TORONTO:  
PRINTED BY WARRICK & SONS, 64 AND 70 FRONT ST. W

No. 253.]

## BILL.

[1890.

### An Act to amend The Joint Stock Companies' Winding-up Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5    1. *The Joint Stock Companies' Winding-up Act* is amended by striking out the words "contributories" and substituting therefor the words "members of the company," wherever the said first mentioned word occurs in the eighth and ninth sub-sections of section 8, the 4th sub-section of  
10 section 9, the first and fifth sub-sections of section 19, the fourth and fifth sub-sections of section 22, the fifth sub-section of section 23, section 24 and section 26. Rev. Stat. c. 183 ss. 8, 9, 19, 22, 23, 24, 25 amended.
- 15    2. The said Act is also amended by striking out the word "contributory," and substituting therefor the words "member  
15 of the company," in the 6th sub-section of section 19, the 8th sub-section of section 22, section 24 and sub-section 2 of section 25. Rev. Stat. c. 183, ss. 19, 22, 24, 25 amended.
- 20    3. The said Act is also amended by striking out the word "contributory," and substituting therefor the word "member"  
20 in the first sub-section of section 22 and the first sub-section of section 23. Rev. Stat. c. 183, ss. 22 and 23 amended.
- 25    4. Only those persons who, for the time being, may be entitled to vote at general meetings of the company, shall be deemed to be members of the company for the purposes of  
25 this Act. Who to be deemed members of company.



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4th Session, 6th Legislature, 53 Vic., 1890.

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BILL

An Act to amend The Joint Stock Companies' Winding-up Act.

First Reading, 31st March, 1890.

MR. MEREDITH.

TORONTO:

Printed by WATKINS & SONS, 68 AND 70 FRONT ST. W.

## An Act respecting the custody of Juvenile Offenders.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case any offender against Dominion or Provincial law, Juvenile offenders may be received at reformatory pending removal to industrial school.  
 5 who at the time of his trial is or appears to the court to be under the age of thirteen years is for any offence against Dominion or Provincial law sentenced to imprisonment in any reformatory or common gaol, he may, by the direction of the Provincial Secretary, be received into the reformatory either  
 10 until arrangements are made for his reception at or transfer to a certified industrial school or otherwise; notwithstanding anything contained in any Act passed during the present Session of this Legislature.. (R.S.C. c. 183, s. 20).
2. In case such an offender is committed to a certified Admission of such offenders to industrial school.  
 15 industrial school, or is transferred by legal authority from any place of imprisonment to a certified industrial school, the managers of such school may admit the offender into the said school accordingly. (R.S.C. c. 183, ss. 19, 20 and 25; R.S.O. c. 234.)
3. The provisions for maintenance and all other matters Provisions for maintenance, etc., to extend to offenders against Dominion laws.  
 20 relating to offenders against provincial laws shall also apply to offenders between the ages aforesaid against the laws of Canada, who may be transferred or committed to a certified industrial school.
4. The order for chargeability of maintenance of an offender Order charging maintenance in such cases.  
 25 against the laws of Canada, transferred or committed to a certified industrial school, may be made by the court, judge, stipendiary or police magistrate before whom the offender is convicted at any time, as if such court, judge, stipendiary or  
 30 police magistrate had ordered the commitment of such offender for an offence against provincial law. (R.S.O. c. 234, ss. 9 and 35; 51 Vict. c. 40, section 6; statute of present session respecting the commitment of persons of tender years, section 5).

NO. 254.

4th Session, 6th Legislature, 53 Vic, 1890.

BILL.

An Act respecting the custody of Juvenile  
Offenders.

First Reading 31st March 1890.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. W.

## The Municipal Amendment Act, 1890.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 24 of *The Municipal Act* is amended by adding thereto the following sub-sections:—

Rev. Stat. c.  
184 s. 24,  
amended.

(2) In any case where the resident freeholders of any city with a population of 100,000 or over, to the number of at least one hundred, petition the council, alleging the expediency of, and praying that a new division into wards may be made of the city without reducing the number of wards, or that a new division may be made reducing the number of wards to nine or less, it shall be the duty of the council, and the council shall, at the time of the holding of the next municipal elections, submit the question of a new division, as prayed for by the petition, to the vote of the persons entitled to vote at the municipal elections; and, in the event of a majority of the electors voting thereon voting in favor of the petition, it shall be the duty of the council, and the council shall, within a reasonable time after the taking of the vote, sub-divide the city into wards, so as to give effect to the prayer of the petition and vote of the electors; and such new division shall, so far as possible, be based upon the assessed values of property, population and territorial extent, and shall be given effect to in accordance with the provisions of section 22 of this Act in that behalf.

Re-division of  
wards in cities  
and towns.

(3) In case any council neglects or refuses to make a new sub-division of any city into wards under the provisions of the last preceding sub-section, for three months after the same shall have been voted upon and approved of by the electors, and in case one-third of the members of the council, or one hundred duly qualified electors of the municipality petition for a commission to issue under the Great Seal to enquire into the existing division of such municipality into wards, and for a new division in accordance with the expressed wish of the electors, as evidenced by their vote, to be taken in manner aforesaid, and if sufficient cause is shewn, the Lieutenant-Governor in Council may issue a commission accordingly, to three commissioners, one to be named by the Lieutenant-Governor in Council, one by the Chancellor of Ontario, and one by the City Council, and the commissioners, or a majority of them shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence as any court has in civil cases.

Commission of  
inquiry as to  
wards.

Should the city council within two weeks after notice fail to name a commissioner, the Lieutenant-Governor shall name two commissioners.

Commissioners to prepare a scheme of division.

(4) The commissioners so to be appointed as aforesaid, or a majority of them shall, within a reasonable time, report a new division into wards of the municipality in accordance with the prayer of the petition, having regard to the provisions of this Act as to equality of representation, to the Provincial Secretary, who shall forthwith transmit a copy thereof to the council, and cause the same to be published for one month in the *Ontario Gazette*, and once in each week for four weeks in one or more newspapers published in the municipality, naming a day when the same will be taken into consideration by the Lieutenant-Governor in Council, when all parties interested, opposed thereto, and who petition to be heard, shall have an opportunity of being heard, and being represented by counsel in that behalf

Lieutenant-Governor may make division by proclamation.

(5) The Lieutenant-Governor in Council may, within three months after the receipt of the report of the commissioners by proclamation divide the city into wards, making such changes in the report of the commissioners as may seem expedient, provided that the number of wards shall not exceed the number approved of by vote of the electors.

Expenses of commission.

(6) The expenses to be allowed for executing the commission shall be paid by the municipality pursuant to the provisions of section 384 of this Act.

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51 Vic., c. 28, s. 34, amended

2. Section 635*a* of the said Act as added by section 34 of *The Municipal Amendment Act, 1888*, is amended by striking out the words "freeholder's resident" in the sixth line of sub-section 2 thereof, and inserting the words "or a majority of the freeholders," in lieu thereof.

30

Rev. Stat. c. 184, s. 56, amended.

3. Section 56 of *The Municipal Act* is amended by adding thereto the following sub-sections:

Power to proceed with local improvements upon lands subsequently annexed to another municipality.

(2) When any improvement, work or service coming under the provisions of sections 569 to 630, both inclusive, of this Act, and amending Acts, shall have been undertaken by any municipal corporation, and after such corporation shall have become liable for the carrying out of the same, the lands, or any part thereof to be specially benefited by any such improvement, work or service, has or shall become and form part of another municipality by incorporation, annexation or otherwise, under the provisions of this Act and amending Acts, or of any special Act, the municipal corporation from which such lands or any part thereof are taken shall have full power and authority by themselves, their servants, workmen and agents, to proceed with any such improvement, work or service, to the completion thereof, and for such purposes to enter upon, take and use any lands lying within the limits of such new municipality, or within the limits of the territory added to such adjoining municipality, necessary to enable them to complete any such improvement, work or service, and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such moneys, and do all such other matters and things which may be necessary for completing any such improvement, work or service, and for providing for

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the cost thereof in the same manner as if no such new municipality had been formed, or no such annexation of territory had been made.

(3) Any such municipality from which territory shall have been taken to form a new municipality, or to make an addition to an adjoining municipality, shall be indemnified by the new municipality or by the municipality to which any such addition is made, as the case may be, from and against all debts and liabilities incurred by it prior to the formation of the new municipality, or the making of such addition, for or in respect of any improvement, work or service undertaken and carried out, or to be carried out by it, under the provisions of sections 569 to 630, both inclusive of this Act and amending Acts, to the extent to which the lands specially assessed for the improvement, work or service lie within the territory taken from it, and included within the new municipality or added to the adjoining municipality, as the case may be, and all debts incurred by a municipality for its share of any such improvement, work or service, shall be taken into account when taking and adjusting the accounts between it and the other municipality arising out of the formation of any such new municipality or the addition of territory to such adjoining municipality.

(4) In any case when the local improvement, work or service lies wholly within the new municipality when formed, or within the limits of the territory added to such adjoining municipality, the new municipality or the adjoining municipality, as the case may be, shall assume the entire debt created by any local improvement by-law passed by the council of the municipality to which such territory formerly belonged, and shall on being furnished by the clerk of the municipality which passed the by-law with a certified copy of the by-law and the special assessments in each year during the currency of the debentures issued pursuant to such by-law, collect the special rates imposed by such by-law as aforesaid, at the same time as all other taxes of said municipality are collected, and the treasurer thereof shall pay the interest on such debentures when and as the same falls due, and shall from time to time, as directed by the resolution of the council of such new municipality or of the municipality to which such territory shall have been added, invest the sum set aside by said by-law for the purpose of paying said debentures at the maturity thereof.

(5) When part only of the lands specially benefited and assessed for any such local improvement, work or service lie within the limits of the new municipality, when formed, or within the limits of the addition made to any such adjoining municipality, the clerk of the municipality from which such lands have been taken shall furnish to the clerk of the new municipality or of the municipality to which the addition has been made, as the case may be, a certified copy of the by-law and of the special assessment, and from and after the receipt thereof, the corporation of the new municipality, or the municipality to which such addition has been made, as the case may be, shall, during each and every year, during the currency of the debentures issued under such by-law, collect the special rates imposed by such by-law upon lands lying within their limits, and the treasurer thereof shall, so soon as and as the same are collected, pay the amount thereof over to the treasurer of the municipality to which such lands formerly belonged.

Municipality to which territory annexed to indemnify municipality commencing work.

Where lands benefited are subsequently altogether within another municipality, latter to collect and pay whole debt.

Where part only, municipality in which lands situate to collect proportion of cost.

Rev. Stat. c. 184, s. 68, repealed.      4. Section 68 of the said Act is repealed, and the following substituted therefor:—

City councils.      68. The council of every city shall consist of the mayor (who shall be the head thereof), and three aldermen for every ward, when there are less than eight wards, and of two aldermen 5 when there are ten or more wards, to be elected in accordance with the provisions of this Act.

Rev. Stat. c. 184, s. 73, amended.      5. Section 78 of the said Act is amended by adding the following thereto as sub-section 1.

Qualification of members of council where new territory added to village, town or city.      (1) When territory has been added to an incorporated 10 village, town or city, before a revised assessment roll of the municipality has been made, which includes such added territory, it shall be sufficient if the required rating or part thereof is in respect of land or premises situate within the newly added territory on the last revised assessment roll of the 15 municipality of which such added territory had before the addition formed part.

Rev. Stat. c. 184, s. 102, amended.      6. Section 102 of the said Act is amended by inserting after the word "freeholder" in the sixth line of the form of oath therein the words "within this municipality." 20

Rev. Stat. c. 184, s. 107, amended.      7. Section 107 of the said Act is amended by striking out the words "last Monday in the month of December" in the fourth line of the said section, and inserting in lieu thereof the words "first Monday in January."

Rev. Stat. c. 184, ss. 109 and 110 amended.      8. Sections 109 and 110 of the said Act are amended 25 by striking out the words "last Monday in December" where they occur in the said sections and inserting in lieu thereof the words "first Monday in January."

Rev. Stat. c. 184, s. 112, repealed.      9. Section 112 of the said Act is repealed.

Rev. Stat. c. 184, s. 113, sub-s. 1, amended.      10. Sub-section 1 of section 113 of the said Act is amended 30 by striking out the words "but one" in the fifth line thereof

Rev. Stat. c. 184, s. 116, amended.      11. Section 116 of the said Act is amended by striking out the word "first" in the tenth line of said section and inserting in lieu thereof the word "second."

Rev. Stat. c. 184, s. 258, repealed.      12. Section 258 of the said Act is repealed, and the follow- 35 ing substituted therefor:

Auditors to be appointed by councils.      258.—(1) Every council shall at the first meeting thereof in the year 1891, after being duly organized appoint two auditors, but no one who, at such time or during the preceding year, is or was a member, or is or was clerk or treasurer of the council, 40 or who has, or during the preceding year had, directly, or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation except as auditor, shall be appointed an auditor. 45

(2) The said auditors shall hold office during the pleasure of the council, and in the event of a vacancy in the office of auditor happening by death, dismissal, resignation or otherwise, the same shall from time to time be filled by the council.

(3) In the event of an auditor so appointed to audit the accounts of a county refusing, or being unable to act, then the warden of the county, if the council is not holding its sittings at the time shall appoint another person to act until the first meeting of the council thereafter, and at such meeting the council shall appoint an auditor in the room of the auditor so refusing, or being unable to act.

(4) This section shall come in force on the first day of January, 1891.

10 **13.** (1) Sub-section 1 of section 263 of the said Act is amended by striking out the words "for the year ending on the 31st day of December preceding their appointment" in the third and fourth lines of the said sub-section, and substituting therefor, the words "for the preceding year." Rev. Stat. c. 184, s. 263, amended.

15 (2) Sub-section 2 of the said section 263 is amended by striking out the words, "their appointment" in the tenth line of the said sub-section and substituting therefor the words "the first meeting of the council for the current year."

(3) This section shall come in force on the first day of 20 January, 1892.

**14.** Sub-sections 3 and 4 of section 263 of the said Act as amended by section 13 of *The Municipal Amendment Act*, 1888, are repealed, and the following substituted therefor:— Rev. Stat. c. 184, s. 263, sub-ss. 3 and 4 repealed.

(3) The financial year of every town, township and incorporated village shall end on the 15th day of December in each year, and the council of such municipality shall hold a meeting on such fifteenth day of December, or if such day happen to be a Sunday, then on the Monday following, and shall immediately thereafter publish a detailed statement of receipts and expenditure for the year ending on the day of such meeting, together with a statement of assets and liabilities and uncollected taxes. The said statement shall be duly audited and signed by the auditors, and shall be the annual audit, and shall be published forthwith in one or more newspapers of the municipality (if any), and in such other newspapers circulated in the municipality as the council may direct. Annual statement of accounts to be published.

(a) Or instead of publishing the said statement in any newspaper the council may cause the same to be posted up not later than the 31st day of December in the offices of the clerk and of the treasurer, as well as at all the post offices in the municipality, and at not less than twelve other conspicuous places therein. 40

(4) The clerk shall procure not less than one hundred copies of the said statement, and shall deliver or transmit by post to the electors who first request him to do so one of such copies not later than the 31st day of December in each year, and shall also see that copies of the said statement are produced at the nomination. Clerk to transmit copies to electors upon request.

(5) Where the council includes such statement in its minutes and causes the same to be duly mailed to every ratepayer in the municipality, the same need not be published in a newspaper or posted up or otherwise mailed, as provided in the preceding sub-sections 3 and 4. When publication may be dispensed with.



Application  
of sub-s. 1.

(6) Sub-section 1 of section 263 shall apply to counties, cities, separated towns and the township municipalities situated in the Electoral Districts of East Algoma, West Algoma, North Renfrew, Muskoka, Parry Sound, Haliburton and Nipissing only; but shall not apply thereto after the passing by any of such municipalities of the by-law provided for by sub-section 6 of this section. 5

Application  
of sub-s. 3.

(7) The provisions of sub-section 3 of this section shall not apply to any county, city, separated town, or to any of the township municipalities mentioned in the preceding sub-section, unless the council of any county, city, separated town or such municipality shall by by-law declare that the provisions of the said sub-section shall apply thereto; upon the passing of such by-law, sub-section 1 of section 263, shall cease to apply to the said municipality. 15

Rev. Stat.  
c. 184, s. 265,  
amended.

**15.** Section 265 of *The Municipal Act* is amended by inserting the words "or statute" after the word "council" in the third line of the said section.

Rev. Stat. c.  
184, s. 320,  
amended.

**16.** Section 320 of the said Act is amended by striking out the word "two-fifths" wherever the same occurs in the said section and inserting the word "one-third" in lieu thereof. 20

Rev. Stat.  
c. 184, s. 320,  
sub-sec. 1,  
amended.

**17.** Sub-section 1 of section 320 of the said Act is amended by inserting the words "or in aid of any waterworks or water company," immediately after the word "railway" in the second line of said sub-section. 25

Rev. Stat.  
c. 184, s. 340,  
sub-s. 2, re-  
pealed.

**18.** Sub-section 2 of section 340 of the said Act is repealed and the following substituted therefor:

Time for pay-  
ment of cer-  
tain debts by  
municipalities

(2) If not contracted for railways, gas or water works, or for the purpose of public works according to the statutes relating thereto, or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public school houses, the whole debt and the obligations to be issued therefor shall be made payable at twenty years at furthest from the date on which such by-law takes effect, and if a debt is contracted for railways, gas or water works, or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public schoolhouses, the same shall in like manner be paid in thirty years at furthest from the date on which the by-law takes effect. 30 35

Rev. Stat.,  
c. 184, s. 382,  
amended.

**19.** Section 382 of the said Act is amended by substituting for the words "Provincial Secretary," in the fourth line of said section, the words "Minister of Agriculture." 40

Rev. Stat. c.  
184, s. 401  
amended.

**20.** Section 401 of the said Act is amended by adding thereto the following sub-section:—

Arbitrators to  
verify fees.

(2) The said arbitrator, or arbitrators, shall also at the same time file with the said clerk a certificate of each of the said arbitrators, showing the number of hours actually occupied by him, or them, in the said arbitration, and verifying in detail the number of hours so occupied at each sitting of the said arbitrator or arbitrators, with the date of each such sitting and the fees charged by said arbitrators in respect of such sitting. 45 50

**21.** Section 402 of the said Act is amended by striking out the words "six weeks" in the 9th line thereof and substituting the words "three months" Rev. Stat. c. 184, s. 402 amended.

**22.** The following shall be added as section 423 (a) to the said Act.

**423 (a).** (1). All by-laws authorized under the provisions of this Act, which have been, or which may hereafter be enacted and which have imposed or may impose fines and penalties and the recovery thereof with costs by summary conviction, and which in default of payment authorize the commitment of the offender to the common gaol, house of correction or lock-up house of the county or municipality, unless such fine and costs, including the costs of the committal and conveyance to the common gaol, house of correction or lock-up house, are sooner paid, are hereby declared to be good and valid, notwithstanding that such conviction, amongst other things, directs the imprisonment of the accused during the period for which by law he might be imprisoned, unless such costs of committal and conveyance to the common gaol, house of correction or lock-up house are sooner paid, and such conviction shall not by reason only that such direction, includes the costs of such conveyance and committal be impeached, quashed or set aside, and it is hereby declared that section 420 of this Act did and does apply to such by-laws heretofore passed and shall apply to any such by-laws hereafter to be passed. But this section shall not affect the cost of any application heretofore made to quash a conviction under any by-law heretofore passed. Convictions not to be void for certain informalities.

(2) The words "including the costs of committal" where they appear in the said section 420 include and mean and have always meant the cost of conveyance and committal to prison. This section shall come into force on the passing of this Act.

**23.** Section 434 of the said Act is amended by adding thereto the following sub-section:— Rev. Stat. c. 184, s. 434, amended.

(2) The council of any city with a population of 30,000 or over, may by by-law provide for the payment of the Police Commissioners or any of them.

**24.** Sub-section 10 of section 479 of the said Act is amended by inserting the words "or of waterworks supplying water within its limits," immediately after the word "limits," in the second line of said sub-section. Rev. Stat. c. 184, s. 479, sub-s. 10 amended.

**25.** Section 479 of the said Act is amended by inserting after sub-section 20 of said section the following, as sub-section 20a:— Rev. Stat. c. 184, s. 479, amended.

**20a** For regulating the planting of trees, shrubs or saplings upon or near the boundary lines between the lands of different owners or occupants, and the distance from said boundary lines at which trees, shrubs or saplings may be planted. Regulations as to trees on boundaries between private properties.

**26.** Section 483 of the said Act is amended by adding thereto the following words: "and any such claim must be made within one year from the date when the said" Rev. Stat. 184, s. 483 amended.



damages were sustained, or in the case of a continuance of damages then within one year from the time when the cause of action arose.

Compensation  
for lands  
taken or  
injured by  
the  
Railway Act  
shall be known  
as the  
municipal  
corporation  
compensation  
for lands.

27. The following provisions of *The Railway Act* shall hereafter apply to municipal corporations in this Province, and shall be known as sections 488 *a, b, c, d* and *e* of *The Municipal Act*.

488. *a* The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected by any municipal corporation in the exercise of its corporate powers shall stand in the stead of such lands, and any claim to or encumbrance upon the said lands, or to any portion thereof shall, as against the said corporation, be converted into a claim to the money so paid, or to a like proportion thereof.

488. *b* If in the opinion of the High Court of Justice or of any Judge thereof there is reason to fear any claims or encumbrances, or if any person to whom the compensation or damage or any part thereof is payable, refuses to execute the proper conveyance or guarantee, or cannot be found, or is unknown to the corporation, the corporation may pay such compensation into the office of the accountant of the Supreme Court of Judicature for Ontario with interest thereon at 6 per cent per annum for six months, and may deliver to such accountant an authentic copy of the conveyance or of the award or agreement, as the case may be, and such award or agreement or conveyance shall thereafter be deemed to be the title of the corporation to the land therein mentioned, but this shall not apply to any proceedings heretofore had or taken.

488. *c* A notice in such form and for such time as any judge of the High Court of Justice may direct, shall be inserted in a newspaper, if there is one published in the municipality in which the lands are situated, or if there is no newspaper published in the municipality, then in the *Ontario Gazette*, and also in a newspaper published in the nearest municipality therein which any newspaper is published. Such notice shall state that the title of the corporation, under such agreement, award or conveyance, is under this Act, and shall call upon all persons entitled to the lands or to any part thereof so taken or injuriously affected, to file their claims to the said compensation money or any part thereof, and all such claims shall be received and adjudicated upon by the High Court of Justice or by any judge thereof, and the said proceedings shall forever bar all claims to the said lands or to any part thereof, including dower, as well as all mortgages or encumbrances upon the same, and the said court or judge shall make such order for distribution, payment or investment of the said compensation money and for securing the rights of all persons interested, as may be necessary.

488. *d* The costs of the proceedings, including proper allowances to witnesses, shall be paid by the corporation or by such other person as the said court or any judge thereof may order; and if the said order of distribution is obtained in less than three months from the payment into court of the said compensation moneys, the court or any judge thereof may direct any proportionate part of such interest to be returned to the said corporation.

488. (c) Such judgment shall forever bar all claims to the lands or any part thereof, including dower, as well as any mortgage or encumbrance upon the same, and the court or judge shall make such order for distribution, payment or investment of the said compensation money, and for the security of the rights of all persons interested therein as may be necessary.

**28.** Section 489 of *The Municipal Act* as amended by section 23 of *The Municipal Amendment Act, 1888*, is further amended by inserting the word "local" immediately before the word "municipality," in the 18th line of sub-section 9a of the said section. Rev. Stat. c. 184, s. 489 amended.

**29.** Sub-section 2 of section 495 of *The Municipal Act* is amended by adding at the end thereof the words, "For licensing, regulating and governing bill-posters, and for fixing the sum to be paid for every such license, and the time it shall be in force." Rev. Stat. c. 184, s. 495, sub-s. 2, amended.

**30.** Section 495 of the said Act is amended by adding thereto the following sub-section:— Rev. Stat. c. 184, s. 495 amended.

(12) For defining the areas within which tanneries hereafter erected, rag, bone, or junk shops, or other industries of a noxious or unhealthy character may not be carried on within the said municipality. By-laws for defining districts within which certain trades may be carried on.

**31.** Section 496 of the said Act is amended by adding the following as sub-section 9a: Rev. Stat. c. 184, s. 496 amended.

9a For regulating the construction of cranes, hoists and elevators and determining the manner in which elevators in buildings shall be constructed and worked (whether automatically or otherwise) and for providing for the inspection of all cranes, hoists and elevators. Erection of hoists and elevators.

**32.** Sub-sections 5 and 6 of section 503 of the said Act are amended by omitting from sub-section 6 the following words, and by adding the same to sub-section 5 thereof: Rev. Stat. c. 184, s. 504 amended.

"Provided that this sub-section shall not be qualified as respects shops or stalls occupied by butchers or others for the sale of fresh meats in quantities less than by the quarter carcass within the said municipality by anything contained in sections 497 or 500 of this Act."

**33.** Section 504 of the said Act is amended by striking out the word "and" in the first line thereof, and by inserting after the word "town" in the first line thereof, the words "county, township and incorporated village." Rev. Stat. c. 184, s. 504, amended.

**34.** Section 504 of the said Act is further amended by adding thereto the following sub-sections: Rev. Stat. c. 184, s. 504, amended.

(14) For building, equipping, maintaining and operating street railways in, along and over such streets of the city or town and subject to and upon such terms as the Lieutenant-Governor in Council may approve, and for leasing the same from time to time on such terms as may be determined on, and for levying an annual special rate to defray the yearly interest on the expenditure therefor, and to form an equal yearly sink-

ing fund for the payment of the principal within a time not exceeding 30 years, provided that the powers conferred by this sub-section shall not apply to a municipality in which there is an existing street railway constructed or operated under any agreement or contract between the municipality and any street railway company. 5

(15) A municipal corporation which builds, constructs, owns' or manages a street railway shall have and exercise the same rights and powers and be subject to the same liabilities as street railways and companies under *The Street Railway Act*, except where the same shall conflict or be inconsistent with or be repugnant to the rights, powers, liabilities or duty of a municipal corporation as provided by law. Nothing herein contained shall relieve any municipality from the obligations and liabilities in respect of roads, streets, highways, or bridges as provided by this Act. 15

Rev. Stat. c.  
184, s. 505  
amended.

**35.** Section 505 of *The Municipal Act* is amended by striking out the words "the last sub-section" where they occur in the first line of the said section, and inserting in lieu thereof the words "sub-sections 13 and 14," and by adding after the word "section" in the second line thereof the words "as hereby amended." 20

52 V., c. 36,  
s. 26, repealed.

**36.** Section 26 of *The Municipal Amendment Act, 1889*, is repealed.

51 V., c. 28, s.  
24, amended.

**37.** Section 24 of *The Municipal Amendment Act, 1888*, is amended by striking out the words "having a population in excess of fifty thousand," which occur at the end of the third and the beginning of the fourth lines thereof, and by adding the words "or town," immediately after the word "city" in the third and fourteenth lines thereof, and shall be read as part of said section and deemed to have been the true intent and meaning of the statute, and to have been in force at and from the time of the coming into force of *The Municipal Amendment Act, 1888*. 25 30

Rev. Stat. c.  
184, s. 510,  
amended.

**38.** Section 510 of *The Municipal Act* is amended by adding thereto the following sub-section. 35

Licensing  
teamsters, etc.

(2) For issuing and regulating licenses to teamsters, carters and draymen, for enforcing payment of such licenses and regulating the charges for the conveyance of goods, or for other services. 40

Rev. Stat.  
c. 184, s. 511  
amended.

**39.** Section 511 of the said Act is amended by adding thereto the following sub-section:—

Horses for  
breeding purposes.

(4) For licensing and regulating the use of horses for breeding purposes within the county.

Rev. Stat. c.  
184 s. 531.  
amended.

**40.** Section 531 of the said Act is amended by adding thereto the following as sub-section 5:— 45

Actions for  
damages by  
non-repair of  
highway to be  
tried by a  
judge.

(5) Any action or suit brought against a municipality to recover damages for injuries sustained by reason of the want of repair of any road, highway or bridge, shall be tried by the Judge without a jury unless all the parties to the suit otherwise agree. 50



said Act is amended by inserting the following Rev. Stat. c. 184 amended.  
as section 533a.

533a—(1) A township or village, and any town containing  
by the last official census a population of four thousand or less  
5 which is so situate in respect of rivers or streams as to require  
for the convenience of the public,

Certain municipalities may claim from county councils contribution for construction of bridges.

(a) The construction and maintenance by such local municipality of bridges one hundred feet in length or more, requiring (having regard to the other municipalities of the county) greatly disproportionate expenditure by such local municipality, either from the number of bridges or the cost thereof; or—

(b) Which, having reference to the population and assessed value of such local municipality, require for such construction or maintenance excessive or greatly disproportionate burdens upon the ratepayers thereof;

May notify the county council of any or all of the foregoing circumstances and that such municipality claims from the county council contribution of a share or percentage of the cost of construction and maintenance of such bridges one hundred feet in length or more, which the said municipality may construct and maintain after the passing of this Act.

(2) In the event of the councils of the said county and municipality respectively being unable to agree upon the share or percentage which the said county council shall contribute for the purposes aforesaid, or as to the cost or character of any such bridge, the matters in dispute shall be referred to arbitration under the provisions of this Act respecting arbitrations.

Reference to arbitration of matters in dispute.

(3) The county council shall pay to such local municipality any sum or sums settled by agreement or fixed by arbitration for the purposes aforesaid, in such manner and at such times as may be provided by the agreement or directed by the award.

Payment of amount settled by arbitration.

(4) Or, where such application has been made by a local municipality, the county council may assume any such bridge or bridges, and in such case, in the event of the councils of the county and municipality respectively being unable to agree upon the share or percentage which the local municipality shall contribute towards such construction and maintenance, or as to the character and cost of the bridge or bridges which the county council proposes to construct and maintain, the matters in dispute shall be referred to arbitration under the provisions of this Act respecting arbitrations.

Assumption of bridge by county council

(5) The county council may require from the local municipality a statement of the kind, character and cost of any bridge or bridges of the length aforesaid proposed to be erected by the said local municipality, and the plans and specifications thereof: or when the county council has assumed such bridge or bridges, the local municipality shall be entitled to the same information from the county council.

Information as to character of bridges to be given by municipalities

(6) Where the arbitration is upon a claim of a local municipality for contribution by the county, the arbitrators shall amongst other matters take into consideration the population and assessed values of the several municipalities of the county

Matters to be considered by arbitrators.

and also the average tax imposed by such municipalities during at least the ten years next preceding that in which the application is made, for the construction and maintenance of such bridges, the necessity of other municipalities in respect of bridges, and the difference during the said ten years between the average tax imposed by the other municipalities and the applying local municipality for the purposes aforesaid. They shall also consider whether the applying local municipality receives any special or particular benefit by reason of the rivers or streams passing through, or the lakes or ponds being situate therein, which the other municipalities of the county do not receive from like or similar causes. Where the county council has assumed the bridges and calls for a contribution from a local municipality, reference shall be had *mutatis mutandis*, and as far as applicable and as may be practicable to the corresponding facts and circumstances.

Form of  
award.

(7) The award in either case shall not name the specific sum which the one council shall pay to the other, unless the arbitrating municipalities otherwise agree, but shall determine the share or percentage of the cost of construction or maintenance of such bridge or bridges for which the council may be liable for the ten years after the award including the year in which the award is made, and for as much longer as the two corporations interested may by the submission or by any agreement determine.

Section not to  
apply to town  
separate from  
a county.

(8) This section shall not apply to any town separated from a county.

Rev. Stat. c.  
184, s. 536  
amended.

**42.** Section 536 of the said Act is amended by adding the following sub-sections thereto :

Road al-  
lowances on  
township  
boundary  
lines.

(2) In the case of any township boundary line, or any portion of such line on which in the original survey thereof a road allowance has not been reserved, the council of any one of the municipalities bordering on such boundary line, may pass a by-law for acquiring the necessary land, either by purchase or expropriation, within such municipality for one-half of the required road allowance.

(a) The clerk of the municipality shall within four days after the passing of the by-law, send by registered letter a copy of the by-law to the clerk of the adjoining municipality.

(3) Sections 539 and 540 of this Act shall apply to proceedings taken under the provisions of this section.

(4) If the matters in dispute between the two municipalities are referred to arbitration the arbitrators shall have power to decide upon the proportion of the cost of the land which will be required upon each side of such boundary line for a road allowance which shall be borne by each municipality, and shall also have power to decide whether a road allowance shall be laid out or not.

(5) If the arbitrators decide against the laying out of a road allowance upon such boundary line or any portion of such line, then no further proceedings shall be taken for the period of two years or such further time as the arbitrators may determine upon, but not exceeding four years in all.



43. Section 545 of the said Act is amended by adding thereto the following sub-section:—

Rev. Stat. c.  
184, s. 545  
amended.

(2) No private owner of property in any city or town shall file a plan laying out any public street or lane across or through the lands of such private owner unless and until he has obtained the consent under seal thereto of the municipal corporation of the city or town in which the said lands are situate: such consent shall be given or refused within six weeks from the date of the application therefor.

Consent of  
corporation  
required to  
laying out  
streets and  
lanes.

44. Sub-section 7 of section 566 of the said Act is amended by inserting after the word "toll," in the second line thereof, the words "at any other."

Rev. Stat. c.  
184, s. 566  
sub sec. 7  
amended.

45. Section 569 of the said Act is amended by adding thereto the following as sub-section 11a:—

Rev. Stat. c.  
184, s. 569,  
amended.

11a. In case of a lot or part of a lot being assessed for the construction or repair of a drain and the same property being afterwards assessed by the engineer, for the construction or repair of another drain, the court of revision or judge may take into consideration any prior assessment or assessments for drainage purposes on the same lands.

Adjustment of  
drainage  
assessment.

46. Sub-section 15 of said section 569 is amended by striking out all the words in the said sub-section from the beginning down to and inclusive of the words, "persons interested therein," and substituting therefor the following:—

Rev. Stat. c.  
184, sec. 569,  
amended.

In case on any such complaint or appeal the assessment in respect of the property which is the subject of complaint or appeal ought to be varied, the court or judge shall adjourn the hearing of such appeal for a sufficient time to enable the clerk of the municipality to notify all persons to be affected by registered letter of the date to which such hearing of the said complaint or appeal is adjourned, and the said clerk shall so notify all persons interested, and unless such interested parties appear and show cause, then the court or judge may, in its or his discretion vary the assessment of the said property and of the other lands and roads benefited as aforesaid, without further notice to the persons interested therein so as to do justice to all parties.

Varying as-  
sessment for  
drainage  
works on  
appeal.

47. Section 569 of the said Act is amended by adding thereto the following sub-section:—

Rev. Stat. c.  
184, s. 569,  
amended.

(22) Any person who has signed a petition under this section shall be at liberty to withdraw therefrom and to abandon such petition at any time before the expiry of the time limited for appealing from the proposed assessment to the court of revision, but not afterwards. If the proposed work shall not be proceeded with on account of such withdrawal from the petition, then the persons signing such petition including those who have withdrawn therefrom shall be *pro rata* chargeable with and liable to the municipality for the expenses incurred by such municipality in connection with such petition, and the amount with which such persons are chargeable shall be entered upon the collector's roll for such municipality against the person liable, and shall be collected in the same manner as any other sum so placed on the roll for collection.

Effect of with-  
drawal of  
petitioners  
after signing.

Rev. Stat. c.  
184, s. 585  
amended.

**48.** Section 585 of the said Act is amended by inserting after the words "or alter the drain" in the eighth and ninth lines thereof, the words, "or to cover any portion of said drain where it passes through a ridge of land." The following shall be added as sub-section (2) of said section 585. 5

Covering  
drains.

(2) When the engineer reports that the covering of any portion of a drain that has been, or which may hereafter be constructed under the provisions of any of the aforesaid Acts, is necessary for the efficiency of any such drain and is necessary to the better maintaining and keeping in repair of any such drain, then in such case he shall determine the size and capacity of the proposed covered portion of said drain, and also the material to be used in the construction thereof. 10

Rev. Stat. c.  
184, s. 590,  
amended.

**49.** Section 590 of the said Act is amended by inserting after the word "individual" in the third line the following: "for the drainage of improved or unimproved lands" and by inserting after the word "outlet" in the seventh line the words "for the drainage of improved or unimproved lands." 15

#### CONSOLIDATION AND AMENDMENT OF LOCAL IMPROVEMENT 20 SECTIONS 612 TO 623 INCLUSIVE.

Rev. Stat. c.  
184, ss. 612—  
623, inclusive,  
repealed.

**50.** The following sections 612 to 623 (a) both inclusive are substituted for sections 612 to 623 inclusive of *The Municipal Act* and the several amendments thereof:

By-laws for ;

**612.** The council of every township, city, town, and incorporated village may pass by-laws for the following purposes : 25

ascertaining  
real property  
benefited by  
local improve-  
ments.

(1) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed, as hereinafter mentioned, upon the real property benefited thereby ; and of ascertaining and determining the proportions in which the assessment of the cost thereof is to be made on the various portions of real estate so benefitted ; and there shall be the same right of appeal from any such assessment or proposed scale of assessment, to the court of revision, and from the court of revision to the county judge, as is provided for by section 569 of this Act ; and the proceedings thereon shall except as otherwise provided in section 618 of this Act be the same respectively as in the case of appeals from ordinary assessments under *The Assessment Act*. R.S.O. (1887), c. 184, s. 612 (1). 30

Appeal.

Assessing real  
property bene-  
fited for cost of  
certain works.

(2) For assessing and levying by means of a special rate, the cost of deepening any stream, creek, or watercourse, and draining any locality, or the cost of making, enlarging or prolonging any common sewer, or of opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking any street, lane, alley, public way or place, or of constructing any sidewalk, bridge, culvert or embankment forming part of a highway therein, or of curbing, sodding, or planking any street, lane, alley, square, or other public place, or of re-constructing any work hereby provided for. R.S.O. (1887), c. 184 s. 612 (2). 45

(3) For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for such works or improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums. R.S.O. (1887), c. 184 s. 612, (6).

Regulating time and manner of payment of assessment.

(4) For effecting any such work or improvements as aforesaid with funds provided by parties desirous of having the same effected. R.S.O. (1887) c. 184, s. 612, (7).

Doing work when funds furnished by parties.

(5) If the contemplated work or improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council; and the council of every municipality which has not passed a by-law within and under the provisions of section 625 of this Act shall also provide, in connection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and also the cost of that part of every such work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment. R.S.O. (1887,) c. 184, s. 612, (8).

Construction of sewers, etc., in part to be provided by council.

(6) If the contemplated works or improvements relate to any stream, creek, or watercourse, or to draining any locality, and in the opinion of the engineer or surveyor specially benefit any lands lying within the municipality or any road or roads lying therein or any roads therein *belonging to any other municipality or corporation*, then the engineer or surveyor aforesaid shall charge the lands road or roads to be so benefited, and the *municipality*, corporation, person or company whose lands, road or roads are improved with such proportion of the cost of the work or improvement as he may deem just, and the amount so charged for lands or roads, or agreed upon by arbitration shall be paid by such person or out of the general funds of the municipality, corporation or company, as the case may be, and the provisions of this Act relating to drainage so far as applicable shall apply to any such work or improvement constructed under this section. R.S.O. (1887) c. 184, s. 612 (10).

Lands benefited to be charged with proportion of costs of certain local improvements.

613.—(1) The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof, upon the real property fronting or abutting upon the street or place whereon or wherein such improvement or work is proposed to be done or made. R.S.O. (1887), c. 184, s. 612 (4).

Rate to be assessed on frontage.

(2). If in any case the first assessment for any such work or improvement proves insufficient, the council shall make a second or other additional assessment in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvement or work, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid. R.S.O. (1887), c. 184, s. 612 (5).

Provision in case of insufficient or excessive assessment.

614. Nothing contained in the two preceding sections shall be construed to apply to any work of ordinary repair or maintenance; and all works or improvements constructed under the said sections shall thereafter be kept in a good and sufficient state of repair at the expense of the township, city, town, or village generally. R.S.O. (1887), c. 184, s. 612 (3).

Preceding sections not to apply to certain works.



General by-law for determining property benefited by improvements, sufficient.

615. It shall be deemed to have been and to be a sufficient compliance with the provisions of section 612, if the council shall have passed or shall pass a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment of the final cost thereof is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been, or to be necessary to pass a special by-law in each particular instance for the purposes above mentioned. R.S.O. (1887), c. 184, s. 612 (1) (a).

(a) *By Petition or on Sanitary Grounds.*

Council to undertake works on petition of owners to be benefited.

616.—(1) Upon the receipt of a petition praying for any 15 of the works and improvements mentioned in the four preceding sections, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, according to the last revised assessment roll of the municipality, such owners representing at least one-half in value of such real 20 property, the council may take all proper and necessary proceedings for the execution and completion of such work or improvement with as little delay as possible. R.S.O. (1887), c. 184, s. 612 (9)

"Owner" to include certain leaseholders.

(2) Where the word "owner" occurs in this Act in sections 25 569 to 629, both inclusive, it shall be construed and deemed to include a leaseholder, the unexpired term of whose lease (including any renewals therein provided for) extends over a period which is not less than the duration of the proposed assessment, if the lessee has covenanted in his lease to pay all 30 municipal taxes on the demised property during the terms of said lease, and would be liable for the taxes for the proposed improvements, and every such lessee shall have the same right to petition for or against any local improvement proposed to be constructed under this Act as if he were the owner of the 35 property liable to be assessed therefor. (*New.*)

Owner not to petition where lessee may.

(3) In any case where a lessee has the right to petition for or against any proposed improvement under the provisions of the last preceding sub-section, the owner of the property in fee shall not have such right, but this sub-section and sub-section 40 two shall not apply to townships. (*New.*)

(4) If the council of any city or town upon the recommendation of the local board of health, affirms by a vote of two-thirds of all the members of the council at any regular meeting thereof, that it is desirable and necessary in the public 45 interest, to construct, make, enlarge or prolong a drain, sewer or sewers, for the purpose of draining a particular locality for sanitary or drainage purposes, as a local improvement in or upon any street, square or place, it shall not be necessary for such council to give notice of the proposed assessment for such 50 local improvement, except the notice of the sitting of the court of revision for the purpose of hearing complaints against such proposed assessment that is required by section 623 of this Act. (*New.*)

(b) *On the Initiative.*

617.—(1) *Any such work or improvement may be undertaken by the council and the assessment of the cost thereof made upon the properties benefited thereby, unless the* Work to be done and rate to be assessed on property benefited, except where petitioned against.  
 5 majority of the owners of such real property (to be ascertained as aforesaid), representing at least one-half in value thereof, petition the council against the same, within one month after the last publication of a notice of the intention of the council to undertake the said work, such notice to be inserted in at  
 10 least two newspapers published in such township, city, town or incorporated village, if there are two newspapers published therein; and if there are not, then in a newspaper published nearest to the proposed improvement or work, such publication to be once in each week for two weeks. R.S.O., (1887), c. 184,  
 15 s. 612 (4).

(2) In the event of any such petition against any such proposed work or improvement, sufficiently signed, being presented to the council, no second notice for the same proposed work or improvement shall be given by the council within two  
 20 years thereafter. R.S.O., (1887,) c. 184. 612 (4) (b). Effect of petition against work.

(3) The number of the owners petitioning against the proposed improvement or work and the value of the real property which they represent, may be ascertained and finally determined as aforesaid, or in such manner and by such means  
 25 as are provided by by-law in that behalf. R.S.O., (1887,) c. 184. 612 (4) (c). By-law to determine number, and value of property of petitioners against work.

(4) In any case when notice of a proposed improvement, work or service to be paid for by special assessment as a local improvement, has been given by the council of any municipality  
 30 pursuant to the provisions of the *Municipal Act then in force*, or any amending Act or Acts, and no petition sufficiently signed as aforesaid has been presented to the said council or to the succeeding council against such proposed improvement, work or service and assessment within the time limited in that behalf  
 35 by the said Acts, it shall be lawful for the said council, in the same or any succeeding year, to carry on the proposed work improvement or service to completion, before making the assessment therefor; and such notice, so given, shall stand good as the authority for undertaking any such work, improvement  
 40 or service, and for making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the council giving such notice, or by the council in any succeeding year. R. S.O., (1887,) c. 184, s. 616. Completion of local improvements.

45 *Publication of Notice.*

618.—(1) No by-law passed by the council of any township, city, town or incorporated village, under the provisions of sections 569, 570 or 612 of this Act, shall require to be advertised or published by the said council in any newspaper, but a written or  
 50 printed, or partly written and partly printed notice of the sitting of the court of revision for the confirmation of every such special assessment shall be given to the owners and lessees having the right to petition, or the agents of such owners and lessees of each parcel of real estate included in such by-laws  
 55 and assessments. Notice may be served on owners, etc., in lieu of advertising.



Contents of  
notice.

(2) Every such notice shall contain a general description of the property in respect of which the same is given, the nature of the improvements, works or services, the total cost thereof, the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the clerk or the assessment commissioner, or other officer to be appointed by the council for the purpose, and be mailed to the address of the person entitled to notice at least fifteen days before the day appointed for the sittings of the said court, and ten days notice shall also be given by publication in some newspaper having a general circulation, of the time and place of the meeting of the said court, which notice shall specify generally what such assessment is for and the total amount to be assessed. R.S.O., (1887,) c. 184, s. 622. 15

Where special rate is a frontage rate general description sufficient when by-law passed under s. 615.

(3) Where the notice of the intention of the council to undertake any work or improvement is given under the provisions of a general by-law passed under section 615, and which provides, or is intended to provide, that the special rate to be assessed therefor shall be an annual rate according to the frontage of the real property fronting or abutting upon the street or the portion of the street or the place whereon or wherein the improvement or work is proposed to be done or made, it shall be sufficient if the notice of the proposed work or improvement describes the street or place or portion thereof, whereon or wherein the work or improvement is to be done or made by a general description thereof, stating the points between which it is to be made, and it shall not be necessary to state the value of the real property ratable therefor, or to impose a rate upon such real property by any description other than that hereinbefore mentioned. R.S.O. (1887,) c. 184, s. 623. (1). 20 25 30

Notice of by-law and sitting of court of revision.

(4) In such cases the council shall procure a measurement of the frontage liable to the assessment for the cost of the proposed work or improvement and of the frontages exempt from taxation, and shall keep a statement of the same open for inspection in the office of the clerk of the municipality for at least ten days before its final decision to undertake the said proposed work or improvement, and the council shall also cause to be inserted in a public newspaper published within the municipality or in the county town, or in a public newspaper published in the nearest municipality in which a public newspaper is published, once a week for two successive weeks, a notice in the form following or to the like effect: 0

Take notice that the municipal council of the corporation of the

*(in words to be inserted describing the work) on*

*street, between and along the points between which the work has been or is to be made or constructed) and to assess the final cost thereof upon the property abutting thereon and to be benefited thereby, and that a statement showing the lands liable to pay the said assessment, and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the clerk of the municipality and is open for inspection during office hours.*

The estimated cost of the work is \$ of which \$ is to be provided out of the general funds of the municipality.

A court of revision will be held on at for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage measurements or any other complaint which persons interested may desire to make, and which is by law cognizable by the court.

Dated

Clerk.

R.S.O. (1887), c. 184, s. 623. (2).

(5) There shall be the same right of appeal from any such proposed assessment to the court of revision, and from the court of revision to the county judge, as is provided in section 569 of this Act, and the proceedings thereon shall, except  
 5 as otherwise provided by this Act, be the same (as nearly as practicable) as in the case of appeals from ordinary assessments under *The Assessment Act*, and the court of revision and the county judge shall respectively have the like jurisdiction, rights and powers in respect to every such appeal as in the  
 10 case of such last mentioned appeals. R.S.O. (1887), c. 184 s. 623 (3)

Appeals from court of revision.

(6) The said statement, or the same as altered or varied by the court of revision or the county judge upon appeal, shall be  
 15 final and conclusive as to all matters therein contained. R.S.O. (1887), c. 184, s. 623 (4).

Assessment as altered on appeal to be conclusive.

#### LOANS AND ADVANCES FOR COST OF LOCAL IMPROVEMENTS.

619.—(1) For the purpose of enabling councils to avoid the necessity of making supplementary assessments, or refunding in case of over assessments, and of ascertaining the exact  
 20 cost of any work or improvement, done or constructed, as a local improvement under the provisions of this Act, they may and they are hereby authorized and empowered to make agreements with any bank, or any person or body corporate for temporary advances and loans until the completion of  
 25 the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered in their option to make the special assessments for the cost thereof, after the work or improvement, as the case may be, shall have been completed, and to pass the necessary by-law author-  
 30 izing the issue of debentures to repay the amount of the temporary loan or advance. R.S.O. (1887), c. 184, s. 621 (1).

Power to borrow funds for local improvements.

(2) Every by-law for borrowing money shall provide for the repayment of the loan and the maturing of the debentures to be issued pursuant to such by-law, within the probable life  
 35 of the work or improvement for which such debt has been incurred, as certified by the engineer, or other proper officer, to be appointed by the council for that purpose. R.S.O. (1887), c. 184, s. 621 (2).

Time for repayment of loans.

(3) If in any case a debt has been incurred by the municipality for any work or improvement done or constructed  
 40 under the provisions of this Act, and after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor, is set aside or quashed, either wholly or in part, on the ground of  
 45 any irregularity or illegality in the making of such assessment or passing such by-law, it shall be lawful for the council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payment of the  
 50 debt so incurred for such work or improvement: Provided always that nothing herein contained shall be construed as authorizing any assessment to be made, or work or improvement to be undertaken, except the same be initiated in some one of the three methods by law provided, namely:

Where special assessments irregular new assessments may be made.

Proviso.

55 (a) Either on the report of the engineer or other sanitary officer, and of a committee of the council, adopted

by the council, recommending the proposed work or improvement for sanitary or drainage purposes ;  
or

- (b) On a petition of the owners of the real property benefited, sufficiently signed, or 5
- (c) After due notice, as above provided, of the proposed assessment, and no sufficiently signed petition of the owners, as hereinbefore defined, of the real property benefited against the proposed assessment being presented to the council within the time 10 limited therefor. R.S.O. (1887), c. 184, s. 621 (3).

#### ASSESSMENTS FOR LOCAL IMPROVEMENTS.

Cost of  
sewers.

620.—(1) In ascertaining and determining the cost of draining any locality or making and laying or prolonging any common sewer, the council of any township, city, town or in- 15 corporated village, may estimate the cost of the construction of branch drains from the drain or sewer to the line of street, and may include the cost of such branch drains in making the assessment or such drains or sewers, as a local improvement pursuant to the last preceding section. R.S.O. (1887), c. 184, s. 20 613.

Where other  
property re-  
ceives benefit  
of sewer as  
well as that  
fronting on  
street drained.

(2) In any case where in order to afford an outlet for the sewerage and drainage of real property other than that front- 25 ing or abutting upon the street in which such a sewer shall hereafter be constructed such sewer shall be constructed of a larger capacity than that required for the efficient sewerage and drainage of the real property fronting or abutting upon the street, then and in every such case the council may impose a special assessment upon the other real property benefited by the construction of such sewer in the manner hereinafter pro- 30 vided by sections 618 and 619 of this Act. 51 Vic., cap. 28, sec. 33.

Construction  
of drains in  
connection  
with pave-  
ments laid  
as local im-  
provements.

(3) In case the council of such municipality is about to con- 35 struct, renew or alter the character of a pavement upon any street, or portion thereof, as a local improvement, the council may, before laying down such new pavement, put in all neces- sary private drain connections from any existing drain or sewer upon such street, or portion thereof, to the street line on each side of such drain or sewer, and may assess and levy the cost thereof upon the particular property benefited there- 40 by as part of the cost of said local improvement pursuant to the provisions of section 612 of this Act. 52 Vic., cap. 36, sec. 38.

Assessment of  
corner lots,  
etc., for local  
improve-  
ments.

(4) The council of every township, city, town and incorpor- 45 ated village may, by by-law, provide an equitable mode of assessing for local improvements, works and services, corner lots, triangular or other irregular shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value and superficial area of such lots, as com- 50 pared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance made on any such lot or piece of land, on the other real property fronting on the improvements, or assume the same as a portion of the municipality's share of the work or improvements ; but any such assessment shall be subject to 55



appeal to the court of revision and from the court of revision to the county judge as herein provided. R.S.O., (1887), c. 184, s. 614.

(5) It shall and may be lawful for the council of any town-  
 5 ship, city, town, or incorporated village by a two-thirds vote of the council to pass by-laws to remit and refund so much of the special rates imposed prior to the 30th day of March, 1885, on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws  
 10 as may be necessary to equalize the assessment made on such property with the assessment made on adjoining properties for the same improvement or work, and to provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by the issue of debentures, or by including said  
 15 amounts in the rate bills for the year; provided that no such remission or refund shall be made in any case where the work or improvement shall have been made or constructed more than four years before the passing of the by-law authorizing the refund or remission. R.S.O. (1887), c. 184, s. 615.

Refund of part of special rate for local improvements imposed on corner lots, etc.

(6) Where the lands on either side of a street, lane, or alley  
 20 in a city, town, or incorporated village, in the opinion of the council, are from any cause unfit for building purposes, and the council deem it inequitable to assess the same for local improvements at as high a rate as the building lots fronting on  
 25 said street, lane or alley, the council shall, in all such cases, determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley, respectively. R.S.O., (1887), c. 184, s. 617.

Determining proportion of cost of work in special cases.

(7) Real property adjoining and fronting on any park,  
 30 square, public drive or boulevard shall be specially answerable for and in respect of the improvements, works and services made, done or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street, but where a public park, square, drive or boule-  
 35 vard exists or may hereafter be established, the lands adjoining it not exempt from taxation shall be answerable only in respect of such improvements, works and services to the extent to which such lands are specially benefited by such improvements, works and services; and where the lands on one side  
 40 of such drive or boulevard are a public park or square, or for other reasons are exempt from taxation at least one-half of the cost of such improvements, works and services shall be borne by the municipality generally; and no petition against any such assessment shall avail to prevent the carrying out of any  
 45 improvement, work or service in any such park, square, drive, or boulevard, and the making of such special assessment. 52 Vic., c. 36. sec. 39.

Assessment for boulevards, etc.

#### BRIDGES, STREET EXTENSIONS, SIDEWALKS, ETC.

621.—(1) Where it shall, in the opinion of the council of  
 50 any township, city, town or incorporated village, be deemed expedient and necessary to construct or repair bridges or culverts on any street, lane or alley, or to open up and extend any street, lane or alley within the limits thereof for the more immediate convenience or benefit of any locality within  
 55 such limits, and the council is of opinion that from any cause

Cost of constructing bridges or culverts and of opening and extending streets.

it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by such works or improvements, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion, if any, of the cost of the improvement, which shall be assumed by the township, city, town or incorporated village as its share thereof: provided always that the share or proportion of the cost of such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large in like manner as in the case of the share of the municipality of other local improvements, and that all assessments made under the above provisions shall be subject to an appeal to the court of revision and from the court of revision to the county judge in like manner as in the case of other special assessments for local improvements, under the provisions of this Act. R.S.O. (1887), c. 184, s. 618; 51 V., c. 28, s. 36.

Assessment of  
lands benefited  
and not front-  
ing on street  
improved.

(2) If in the case of the construction or repair of a bridge or culvert, or the opening up and extension of any street, lane or alley, the council shall determine that any real property other than that fronting or abutting on the street, lane or alley, or the portion thereof whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the lands so benefited the council shall assess and levy the proportion of the cost chargeable against the lands benefited, but not fronting or abutting upon such street, lane, or alley, by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane or alley, or the portion thereof whereon or wherein the improvement is made or to be made. R.S.O., (1887), c. 184, s. 619.

Assessments  
for local im-  
provements in  
townships.

(3) Or in the case of a township, the council may, by law, provide that the cost of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided, and where the owners of real property have constructed works or improvements which might have been constructed by the municipality as local improvements, the council may, upon the petition of three-fourths of the owners of lands to be benefited by the acquisition of such works or improvements, representing at least two thirds in value thereof, acquire the same at a price to be fixed by arbitration pursuant to this Act, and the purchase money therefor may be raised, assessed and levied, as for local improvements upon the real property benefited thereby as above provided.

(a) The number of owners petitioning for the said assessment, and the value of the real property which they represent may be ascertained and finally determined in such manner, and by such means as are provided by by-law in that behalf subject to an appeal to the judge of the county court as in the case of other special assessments for local improvements. 51 V. c. 28, s. 37.



622. In any case when the council affirms by a two-thirds vote thereof that the constructing, erecting or making of any bridge, culvert or embankment, benefits the municipality at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the council may pass a by-law for borrowing money by the issue of debentures upon the credit of the municipality at large to provide as the corporation's share of the cost of such improvement or work an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof. R. S. O. (1887,) c. 184, s. 618 (2).

Where council declares whole municipality benefited by construction of bridge, etc.

623. The council may permit the owner or owners of lands in any township, city, town, or incorporated village, to build or improve the sidewalk in front of his or their lands, under the direction of the council or an officer thereof appointed for that purpose, and according to such plans and regulations as the council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as he or they shall keep the same in repair to the satisfaction of the council. R.S.O. (1887,) c. 184, s. 620.

Council may permit owners to build or improve sidewalk in front of lands.

623 (a). Whenever in cities and towns an appeal lies from the court of revision to the county court judge under sections 569 to 623 inclusive, the said county judge shall, in addition to his other powers under this Act and *The Assessment Act*, have the power to enquire and determine what other lands (if any) than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement and to add such lands to the assessment, notwithstanding such lands or any part thereof may not have been specified in any notice of appeal to the said judge; and the said judge shall cause all parties to be affected by the addition to the assessment of their lands, to be notified of the time and place when the said appeal and matter will be considered, and may for that purpose adjourn the hearing of the said appeal from time to time. (*New*.)

Powers of county judge upon appeal.

51. *The Municipal Act* is amended by inserting therein after section 630, the following as section 630a:

Rev. Stat. c. 184 amended.

630a.—(1) In addition to the powers conferred upon the councils of townships by sections 612 and 628, both inclusive, and by section 630 of this Act, the council of any township, under and subject to the provisions of said sections, may pass by-laws providing for the maintenance and repair of any highway or portion thereof within the jurisdiction of such council, and may define by the same or any subsequent by-law what real property will be immediately benefitted by the work, and is to be charged with the cost thereof, and may also declare what proportion of the cost is to be borne by the real property within the limits defined by the by-law, and what proportion shall be borne by the general funds of the township, and may also by by-law make provision for assessing and levying upon the property so defined the cost of such maintenance and repairs not provided by the township.

Maintaining and repairing highways in townships.

(2) Sub-section 3 of section 612 of this Act and section 624 shall not apply to work done under the provisions of this section.

Disputes as to liability  
of council  
to build or  
maintain bridge  
disputed.

**52.** Whenever there is a dispute between a county council and the council of any other municipality as to whether the duty or liability to build or maintain a bridge on any river or stream belongs to or rests upon such county council or such other council, either party to the dispute may bring and prosecute an action in the High Court of Justice for Ontario against the other to try the question in dispute, or the said court may, upon the application of either party, compel by mandamus the performance, by the party upon or to whom such duty or liability rests or belongs, of such duty or liability.

Municipal  
aid to University  
of Toronto.

**53.** The council of every county, city, town, township and village may pass a by-law or by-laws for granting aid to the University of Toronto and may create a debt therefor, and may issue debentures for the amount of such debt, and no such by-law shall require the assent of the ratepayers of the municipality before the final passing thereof, unless such amount shall exceed \$500.

Laying sidewalks as local  
improvements  
in cities.

**54.** Notwithstanding anything contained in section 612 of *The Municipal Act* or in any by-law of the municipality, the corporation of any city may construct and lay down a plank sidewalk upon and along any street, lane, alley or other thoroughfare or park in the said city as a local improvement, and the cost thereof may be assessed against the properties fronting or abutting thereon, if such sidewalk is in the opinion of two-thirds of the members present at any regular meeting of the city council desirable in the public interest.

Power to sell  
lands no longer  
required.

**55.** Municipal corporations may sell or convey any lands acquired by them for municipal purposes in the exercise of their corporate powers and found to be no longer necessary for municipal purposes; but any by-law for the sale and conveyance of such lands must be approved by the Lieutenant-Governor in Council before the final passing thereof.

(2) This section shall not apply to any lands acquired by the municipality for park purposes, nor to the sale of road allowances, as provided for by sub-section 9 of section 550 of *The Municipal Act*.

Lands dedi-  
cated for  
streets not  
subject to  
dower.

**56.** Lands dedicated by any owner thereof for a street or public highway shall not be subject to any claim for dower by the wife of any person by whom the same was dedicated.

By-laws  
regulating  
width of  
streets.

**57.** The municipal council of any city may pass a general by-law prescribing the minimum width of streets, lanes, alleys or other public places within the municipality wherein dwelling houses may be erected or occupied and the minimum area of vacant land to be attached to and used with any dwelling house hereafter to be erected, as the courtyard or curtilage thereof, and the mode of erection of buildings occupied or intended to be occupied as dwelling houses within the municipality or within any area or areas thereof to be defined by the said by-law or by any other by-law as may from time to time alter or amend or repeal any such by-law.

(2) Every such by-law before the final passing thereof shall be published in full twice in each week for four consecutive

weeks in two newspapers published in the city with a notice appended thereto, stating the date when the council proposes to take the proposed by-law into consideration.

58. The Act entitled *An Act respecting the Revised Statutes* 50 V., c. 2, of Ontario, 1887, passed in the fiftieth year of Her Majesty's reign, chaptered 2, from section 7 to section 10 thereof, both inclusive, shall in so far as the same may be applicable and unless where inconsistent with this Act, apply hereto.

59. This Act shall be read with and form part of *The* 10 *Municipal Act*, and except as hereinbefore provided with respect to sections 12, 13 and 22, shall come into force on the first day of July, 1890, and as to those sections at the time therein respectively mentioned.

No. 255.

4th Session, 6th Legislature, 53 Vic., 1890.

BILL.

The Municipal Amendment Act, 1890.

First Reading, 1st April, 1890.

Mr. HARRY.

TOKIO:—

PRINTED BY WALKER & SONS, 68 AND 70 FLORENT ST., W.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour, the Preamble  
Honourable Sir Alexander Campbell, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three millions six hundred and twenty-five thousand five hundred and ninety-three dollars and seven cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and ninety as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and salaries of the officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-one, as set forth in schedule B to this Act. \$3,625,593.07  
granted out of  
the Consolidated Revenue  
Fund for certain purposes.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting. Accounts to be  
laid before the  
Legislature.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety, shall not be expended thereafter after, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off. Unexpended  
moneys.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty. Expenditure  
to be accounted  
for to Her  
Majesty.



## SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety, and the purposes for which they are granted.

## CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto.*

Government House .....	\$ 1,950 00	
Lieutenant-Governor's Office .....	3,980 00	
Executive Council and Attorney-General's Office .....	18,418 66	
Education Department .....	18,850 00	
Crown Lands Department.....	50,483 30	
Department of Public Works .....	20,300 00	
Inspection of Public Institutions .....	10,550 00	
Treasury Department .....	20,525 00	
Department of Agriculture .....	24,675 00	
Secretary and Registrar's Department.....	27,610 00	
Department of Immigration .....	1,600 00	
Provincial Board of Health .....	7,050 00	
Miscellaneous .....	12,200 00	
	<hr/>	\$218,191 96

## LEGISLATION.

To defray expenses of Legislation..... \$121,400 00

## ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature .....	\$59,283 00	
Surrogate Judges and Local Masters.....	24,473 37	
Miscellaneous Criminal and Civil Justice .....	309,460 00	
	<hr/>	\$393,216 37

## EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$241,413 81	
Schools in New and Poor Townships.. ..	35,000 00	
Model Schools .....	9,300 00	
Teachers' Institutes.....	2,300 00	
High Schools and Collegiate Institutes.....	100,000 00	
Training Institutes.....	2,500 00	
Inspection of Normal, High, Model, Public and Separate Schools.....	52,200 00	
Departmental Examinations .....	12,400 00	
Normal and Model Schools, Toronto.....	22,310 00	
Normal School, Ottawa.....	20,940 00	
Museum and Library.....	5,260 00	
School of Practical Science.....	9,574 00	
Mechanics' Institutes, Art Schools, Literary and Scientific .....	43,200 00	
Miscellaneous .....	2,500 00	
Superannuated Teachers .....	59,800 00	
	<hr/>	\$618,697 81

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto.....	\$101,353 00	
Mimico Branch.....	24,482 00	
Asylum for the Insane, London .....	134,452 00	
Asylum for the Insane, Kingston.....	90,693 00	
Asylum for the Insane, Hamilton.....	131,297 00	
Asylum for the Insane, Orillia .....	47,657 00	
Central Prison, Toronto .....	121,395 00	
Provincial Reformatory, Penetanguishene....	41,850 00	
Institution for the Deaf and Dumb, Belleville...	42,427 16	
Institution for the Blind, Brantford.....	35,901 00	
Mercer Reformatory for Females .....	31,676 00	
		<hr/>
		\$803,183 16

## IMMIGRATION.

To defray expenses of a grant in aid of Immigration.....	5,800 00
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## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture.....	131,578 00
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## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities.....	\$126,978 81
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House .....	\$ 8,057 12	
Parliament Buildings :—		
Main Buildings .....	10,445 82	
West Wing .....	3,345 80	
East Wing .....	4,595 80	
Education Department (Normal School Building) .....	9,300 79	
Rented premises, Simcoe Street .....	2,700 00	
Rented premises, Wellington Street.....	1,550 00	
Miscellaneous .....	3,094 00	
Normal School, Ottawa .....	3,350 00	
School of Practical Science .....	1,200 00	
Agricultural College.....	6,150 00	
Agricultural Hall .....	650 00	
Osgoode Hall .....	8,997 40	
		<hr/>
		63,436 73

## PUBLIC BUILDINGS.

Asylum for the Insane, Toronto .....	\$ 7,510 00
Mimico Cottages .....	193,404 00
Asylum for the Insane, London .....	33,472 83
Asylum for the Insane, Hamilton.....	27,267 53
Asylum for the Insane, Kingston.....	7,873 33
do Regiopolis Branch.....	200 00
Asylum for Idiots, Orillia.....	142,317 73
Reformatory, Penetanguishene.....	8,050 00
Reformatory for Females, Toronto .....	3,465 00
Central Prison, Toronto.....	11,200 00

PUBLIC BUILDINGS—*Continued.*

Deaf and Dumb Institute, Belleville.....	\$8,730 00	
Blind Institute, Brantford.....	7,509 50	
Agricultural College, Guelph.....	5,950 00	
Normal School and Education Depart't, Toronto	7,500 00	
Normal School, Ottawa.....	6,000 00	
School of Practical Science, Toronto.....	63,200 00	
Osgoode Hall, Toronto.....	4,000 00	
Government House, Toronto.....	3,000 00	
District of Algoma.....	6,600 00	
Thunder Bay District.....	1,800 00	
Rainy River District.....	1,000 00	
Muskoka District.....	3,000 00	
Parry Sound District.....	3,200 00	
Nipissing District.....	1,000 00	
Haliburton District.....	100 00	
Miscellaneous.....	500 00	
	<hr/>	\$557,849 92

## PUBLIC WORKS.

To defray expenses of Public Works.....	\$51,300 00
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## COLONIZATION ROADS.

To defray expenses of Construction and Repairs.....	130,150 00
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## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands.....	122,150 00
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## REFUNDS.

Education.....	\$2,000 00	
Crown Lands.....	18,500 00	
Municipalities Fund.....	1,764 07	
Land Improvement Fund.....	2,984 97	
Miscellaneous.....	600 00	
	<hr/>	25,849 04

## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure.....	125,831 27
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## UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses.....	50,000 00
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Total estimates for expenditure of 1890 ... \$3,545,593 07

## SCHEDULE B.

SUM granted to Her Majesty by this Act for the year  
one thousand eight hundred and ninety-one, and the pur-  
poses for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1891.....	\$ 80,000 00
Total.....	<hr/> \$3,625,593 07

BILL.

An Act for granting to Her Majesty certain sums of money to defray the expenses of the Civil Government for the year one thousand eight hundred and ninety, and for other purposes therein mentioned.

First Reading,	3rd April,	1890.
Second	" 3rd "	1890.
Third	" 3rd "	1890.

Mr. Ross (*Huron*).



## An Act respecting Aid to Certain Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That there be granted out of the Consolidated Revenue Fund to the undermentioned Railway Companies for the construction of thirty miles of said railway westward from the point near Sand Lake where the fifty miles terminate for which aid was granted by chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, entitled *An Act respecting aid to certain Railways*, a cash subsidy of three thousand dollars per mile (\$3,000) for the construction of thirty miles of said railway westward from the point near Sand Lake where the fifty miles terminate for which aid was granted by chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, entitled *An Act respecting aid to certain Railways*. Railway companies granted aid out of Con. Rev. Fund.

(1) To the Ontario and Rainy River Railway a cash subsidy of three thousand dollars per mile (\$3,000) for the construction of thirty miles of said railway westward from the point near Sand Lake where the fifty miles terminate for which aid was granted by chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, entitled *An Act respecting aid to certain Railways*.

(2) To the Ottawa and Parry Sound Railway from Egansville to a point in the township of Sherwood, a distance not exceeding thirty miles, a cash subsidy of \$3,000 per mile.

2. That all the provisions of section 2 of chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of said Act shall apply to the grants hereby made. 52 Vic., c. 35 s. 2. to apply.

Provided, that any arrangements made between the Rainy River Railway Company and the Port Arthur, Duluth and Western Railway Company providing for the expenditure of any part of the aid hereby granted in the construction of any portion of the line of the Port Arthur, Duluth and Western Railway shall be subject to the approval of the Lieutenant-Governor in Council. Proviso.

3. That for the purpose of forming a subsidy fund, there is hereby set apart, so much of the lands of this Province belonging to the Crown as lie within the distance of ten miles on each side of those portions of the Ottawa and Parry Sound Railway, and the Rainy River Railway to which aid is hereby granted, or on each side of that portion of the Port Arthur, Duluth and Western Railway upon which, by agreement between the Companies, any portion of the aid now or heretofore granted out of the Consolidated Fund may be expended, which land shall be sold and dealt with in the same manner as provided in sections 4 to 10 inclusive, of the said chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign. Land set apart to form railway subsidy fund.

Lieutenant-  
Governor to  
cause company  
to be constructed  
from Parry  
Sound to  
Burk's Falls

4. Whereas by the Act passed in the 52nd year of Her Majesty's reign, chaptered 35, and intituled *An Act respecting aid to certain Railways*, it was provided that aid should be granted out of the Consolidated Revenue Fund to the Parry Sound Colonization Railway Company from the town of Parry Sound to Burk's Falls on the line of the Northern Pacific Junction Railway, a distance of about forty-five miles at the rate of \$3,000 per mile; and, whereas, it is alleged that engineering difficulties exist which make the proposed line to Burk's Falls too expensive to be practicable, and it is expedient that the truth of the said allegation should be ascertained by independent examination and enquiries to be hereafter made, the Lieutenant-Governor in Council is to cause such independent examination and inquiries to be made, and if it shall appear to the satisfaction of the Lieutenant-Governor in Council that the proposed line of the Parry Sound Colonization Railway Company to Burk's Falls is too expensive to be practicable owing to engineering difficulties the Lieutenant-Governor in Council may consent to the said line being altered to some point on the line of the Northern Pacific Junction Railway as near as may be to Burk's Falls and may direct that the bonus granted to the said railway company by the said Act shall be paid to the said company for the portion of its railway constructed in accordance with such consent.



4th Session, 6th Legislature, 53 Vic., 1890

BILL

An Act Respecting Aid to Certain Rail-  
Roads.

First Reading, 4th April, 1890.
Second " 4th " 1890.
Third " 4th " 1890.

Mr. ROSS,  
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